



PARLIAMENT
OF THE CAYMAN ISLANDS



PARLIAMENT OF THE CAYMAN ISLANDS

OFFICIAL HANSARD REPORT

First Meeting of the 2024/2025 Session
Second Sitting

Wednesday
9 October, 2024
(Pages 1-43)

Hon. Sir Alden McLaughlin
Speaker

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PRESENT WERE:

Hon. Sir Alden McLaughlin, KCMG, MBE, KC, JP, MP
Speaker

MINISTERS OF THE CABINET

Hon. Juliana Y. O'Connor-Connolly, JP, MP	<i>Premier</i> , Minister of Education, District Administration & Lands and Finance & Economic Development
Hon. André M. Ebanks, MP	<i>Deputy Premier</i> , Minister of Financial Services & Commerce <i>and</i> Investment, Innovation & Social Development
Hon. Johany S. Ebanks, MP	Minister of Planning, Agriculture, Housing, Infrastructure and Transport & Development
Hon. Kenneth V. Bryan, MP	Minister of Tourism & Ports
Hon. Sabrina T. Turner, MP	Minister of Health & Wellness and Home Affairs
Hon. Katherine A. Ebanks-Wilks, MP	Minister of Sustainability & Climate Resiliency
Hon. Isaac D. Rankine, JP, MP	Minister of Youth, Sports and Heritage
Hon. Dwayne S. Seymour, OCI, JP, MP	Minister of Border Control & Labour and Culture

EX OFFICIO MEMBERS OF THE CABINET

Hon. Eric Bush, JP	<i>Acting Deputy Governor</i> , ex officio Member responsible for the Portfolio of the Civil Service
Hon. Samuel W. Bulgin, KC, JP	<i>Attorney General</i> , ex officio Member responsible for the Portfolio of Legal Affairs

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

Hon. W. McKeeva Bush, JP, MP	Elected Member for West Bay West
Hon. Heather D. Bodden, OCI, Cert. Hon., JP, MP	<i>Deputy Speaker</i> , Parliamentary Secretary to Tourism <i>and</i> Social Development, Elected Member for Savannah
Mr. Bernie A. Bush, MP	Elected Member for West Bay North

OPPOSITION MEMBERS

Hon. Joseph X. Hew, MP	<i>Leader of the Opposition</i> , Elected Member for George Town North
Ms. Barbara E. Conolly, JP, NP, MP	<i>Deputy Leader of the Opposition</i> , Elected Member for George Town South
Mr. Roy M. McTaggart, JP, MP	Elected Member for George Town East
Mr. Moses I. Kirkconnell, OBE, JP, MP	Elected Member for Cayman Brac West and Little Cayman
Mr. David C. Wight, JP, MP	Elected Member for George Town West

INDEPENDENT OPPOSITION MEMBERS

Mr. Christopher S. Saunders, MP	Elected Member for Bodden Town West
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APOLOGIES

Hon. Franz I. Manderson, MBE, Cert Hon, JP	Deputy Governor, ex officio Member responsible for the Portfolio of the Civil Service
Hon. G. Wayne Panton, JP, MP	Elected Member for Newlands

OFFICIAL HANSARD REPORT
FIRST MEETING OF THE 2024/2025 SESSION
WEDNESDAY
9 OCTOBER, 2024
11:03 A.M.
Second Sitting

[Hon. Sir Alden McLaughlin, Speaker, presiding]

The Speaker: Good morning. Parliament is resumed. I would invite the Honourable Deputy Leader of the Opposition to lead us with prayers.

PRAYERS

Ms. Barbara E. Conolly, Deputy Leader of the Opposition, Elected Member for George Town South: Let us pray:

Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Parliament now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign, King Charles III; William, Prince of Wales; and all the Royal Family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Premier, the Speaker of the Parliament, the Leader of the Opposition, Ministers of the Cabinet, ex officio Members, Members of the Parliament, the Chief Justice and Members of the Judiciary that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.

Let us say The Lord's Prayer together:

Our Father, who art in Heaven, Hallowed be Thy Name. Thy Kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, forever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Speaker: Amen. Please be seated.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

The Speaker: None.

**READING BY THE HONOURABLE
SPEAKER OF MESSAGES AND
ANNOUNCEMENTS**

The Speaker: None.

PRESENTATION OF PETITIONS

The Speaker: None.

**PRESENTATION OF PAPERS
AND OF REPORTS**

**Report of the Standing Business Committee –
Fourth Meeting of the 2023-2024 Session of
the Cayman Islands Parliament**

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Juliana O'Connor-Connolly, Minister of Education, District Administration & Lands and Finance & Economic Development, Elected Member for Cayman Brac East: Good morning and thank you, Mr. Speaker.

Mr. Speaker, I beg to lay on the Table of this honourable House, the report of the Standing Business Committee.

The Speaker: So ordered. Does the Honourable Premier wish to speak thereto?

The Premier, Hon. Juliana O'Connor-Connolly: Thank you, Mr. Speaker.

Mr. Speaker, only to say that in carrying out its mandate, the Committee did meet on Friday, 28th June, 2024; Friday, 19th July, 2024— two round-robins were done, respectively; Tuesday, 23rd July; and Friday, 26th July. It's barely in keeping with its mandate to decide the business we are deliberating on today. I thank all the members of the Business Committee for making the committees quorate, and for the work that we get from the Clerk and her administrative staff.

Thank you.

The Speaker: Very well.

**Parliament of the Cayman Islands –
Parliament Management Commission – 2023
Annual Report with Financial Statements**

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Juliana O'Connor-Connolly:
Thank you, Mr. Speaker.

Mr. Speaker, I beg to lay on the Table of this honourable Parliament, the Parliament Management Commission 2023 Annual Report with Financial Statements.

The Speaker: So ordered.

Madam Premier, do you wish to speak to the report?

The Premier, Hon. Juliana O'Connor-Connolly:
Thank you, Mr. Speaker.

Mr. Speaker, just to thank you for your leadership of this important committee—the Parliament Management Commission—which has been making good strides towards the modernisation of the Parliament. We certainly have the Government's full support, and that of the Opposition, as we believe that Parliament is one of the most important institutions within our country and it cannot remain in a stagnant state.

I would encourage Members, if they are having any hesitancy in the creation and operation of this important organ and institution, to take some time to read this very persuasive report, and yours and Madam Clerk's contributions contained therein.

I recommend it, Mr. Speaker.

The Speaker: Very well.

**Ministry of Health & Wellness – Cayman Islands
Government - The Mental Health Commission –
Annual Report 2022**

The Speaker: I recognise the Honourable Minister of Health and Wellness.

Hon. Sabrina T. Turner, Minister of Health & Wellness and Home Affairs, Elected Member for Prospect: Mr. Speaker, in accordance with section 8(a) of the Mental Health Commission Act (2024 Revision), I wish to lay on the Table of this honourable Parliament, the Annual Report of the Mental Health Commission for the period of 1st January, 2022 to the 31st December, 2022.

The Speaker: So ordered. Does the Honourable Minister wish to speak thereto?

Hon. Sabrina T. Turner: Briefly.

Mr. Speaker, the Mental Health Commission does not have a budget, and therefore there are no financial statements accompanying this report.

Mr. Speaker, the Mental Health Commission was established through legislation in January 2014. The Commission has numerous functions, such as:

- Hearing and determining appeals for numerous sections of the Mental Health Act;
- Reviewing and advising on scopes of practice and code of ethics for practitioners;
- Advising on mental health facilities;
- Research and/or clinical trials in mental health;
- Reviewing all cases for persons detained for more than six months, whether or not an appeal is submitted; and
- Obtaining and compiling statistics on mental health.

Mr. Speaker, for the annual report in 2022, the Chair of the Mental Health Commission continued to be Dr. Marc Lockhart who held this role since the Commission was first established in 2014. The Chair was supported by Deputy Chairs Cline Glidden, Jr., and Hon. Alex Henderson, KC. The Secretary/Ministry Liaison was Janet Flynn.

Mr. Speaker, the Commission exceeded its requirements to meet at least four times a year with a total of 11 meetings in 2022. During these meetings, the Commission engaged in meaningful dialogue and actioned its legislative responsibilities. The Commission also valued opportunities to meet with specialists such as the Disabilities Council and the Cayman Islands Insurance Association.

Mr. Speaker, the Commission satisfied its requirement to provide training by completing three sessions with the Royal Cayman Islands Police Service totalling 24 participants. The training focused on sensitivity awareness and best practice for interacting with persons experiencing mental health illness.

Mr. Speaker, the annual report also provides commentary on the status of the mental health sector. The Commission is complementary of the number and variety of mental health services in the Cayman Islands noting there are public, private, and non-profit organisations serving the community; however, the Commission notes that a majority of these services are located in Grand Cayman, and therefore support should be strengthened in the Sister Islands.

The Commission notes that there has been progress on the Sister Islands over the past few years, [with the] employment of the Health Service Authority's Resident Psychologist in 2022, and a community psychiatric nurse who travels to the Sister Islands twice per week. The annual report also highlights Cayman's Mental Health Helpline rebranded to 'CayMind', as a great resource for the community which can be accessed free of cost by all residents on any of our three Islands.

Mr. Speaker, good health and wellbeing is the third United Nations sustainable development goal, with mental health noted as an important component of overall health. Feeling mentally well allows individuals

to work productively and contribute actively to their communities. Wellness is often used to evaluate a nation's level of development as good wellbeing is often seen as a result of a progressive, inclusive society. In the Cayman Islands, we are fortunate to have a range of public, private, and non-profit mental health services, as well as a legal framework that creates a foundation upon which our nation can continue to build.

Mr. Speaker, in closing, I would like to take this opportunity to express appreciation to the Commission for their continued service to our beloved Cayman Islands.

Thank you, Mr. Speaker

The Speaker: Very well.

**National Housing Development
Trust – Annual Report 2015 – 2016**

**National Housing Development
Trust – Annual Report 2016 – 2017 (18 months)**

**National Housing Development
Trust – Annual Report 2018**

**National Housing Development
Trust – Annual Report 2019**

**National Housing Development
Trust – Annual Report 2020**

**National Housing Development
Trust – Annual Report 2021**

The Speaker: I recognise the Honourable Minister of Planning and Housing.

Hon. Johany S. Ebanks, Minister of Planning, Agriculture, Housing & Infrastructure, Transport & Development, Elected Member for North Side: Thank you, Mr. Speaker.

The Speaker: Honourable Minister, if you wish, you can group them rather than doing them individually.

Hon. Johany S. Ebanks: Yes, sir, I will do that.

Mr. Speaker, I beg to lay on the Table of this honourable House, the National Housing Development Trust (NHDT) Annual Reports from 2015 to 2016; 2016 to 2017 [18 months]; 2018, 2019, 2020 and 2021.

The Speaker: So ordered. I thought you were looking for another one, sorry.

Hon. Johany S. Ebanks: No, sir, thank you.

Mr. Speaker, Honourable Members of Parliament, I am pleased to lay on the Table of this honourable House the National Development Trust's Annual Reports from 2015 to 2021. I recognise that there has

been a significant delay in Tabling these reports, a matter I inherited, and which I have made much progress in fixing upon taking office and learning that they were outstanding. The NHDT was instructed to take necessary steps to become compliant and I am pleased to report, Mr. Speaker, that by tabling these reports the Trust is on its way towards full compliance.

I would like to thank my colleagues in Cabinet and this honourable House, for their continued support; and the National Housing Development Trust, including the new interim CEO, Mr. David Johnson for all of the hard work they have done. All of the team has worked very hard behind the scenes to bring the National Housing Development Trust up to date.

There was a time in National Housing when we slowed down on building homes because we had to go back and clean up all these reports that were not done over the previous years, so I want to thank my team for bringing National Housing up to date, and for all of the hard work they have done.

The Speaker: Very well.

**Cayman Islands
Climate Change Policy 2024-2050 –
Cayman Islands Government**

The Speaker: I recognise the Honourable Minister of Sustainability and Climate Resiliency.

Hon. Katherine A. Ebanks-Wilks, Minister of Sustainability & Climate Resiliency, Elected Member for West Bay Central: Good morning, Mr. Speaker, thank you. I wish to lay the Cayman Islands Climate Change Policy 2024 to 2050.

The Speaker: So ordered. Does the Honourable Minister wish to speak thereto?

Hon. Katherine A. Ebanks-Wilks: Yes, Mr. Speaker.

Mr. Speaker, I am pleased to present to the Members of this honourable House, the approved Cayman Islands Climate Change Policy 2024-2050, which outlines a 26-year plan for our beloved Cayman Islands for adaptation and mitigation in order to achieve the Policy's vision of a climate-resilient Cayman Islands that promotes and sustains vibrant communities, a robust economy, and a thriving natural environment.

Mr. Speaker, this is a historic milestone for our country, and it comes at a time when the impacts of climate change are dominating both local and international headlines. As a nation, we have recently experienced Hurricane Beryl, and witnessed the utter devastation wrought upon parts of the United States by Hurricane Helene. Even now, residents of Florida are bracing for Hurricane Milton which has intensified rapidly into the most powerful storm of the year worldwide. As we pray for the safety of our friends and family members in Florida, our own Islands continue to experience

flooding and coastal erosion which pose serious risk to our people, their homes and businesses.

We know that increasingly warmer ocean waters contribute to the strength and intensity of hurricanes in our region. While we cannot prevent these severe weather events, this policy enables us to take proactive steps to safeguard and support our people, our economy and our environment; this is why I am so proud to see this historic Policy approved by Cabinet, and to be able to Table it in this honourable House today.

Mr. Speaker, this is the first time that a Climate Change Policy has been approved for the Cayman Islands. The Policy, which has been worked on for two years by the Policy Team in the Ministry of Sustainability and Climate Resiliency and the Technical Working Group, is the result of multi-stakeholder engagement carried out over that period, as well as building on a draft Policy from 2011.

The Policy is also bolstered by fresh insights and circumstances that were identified in the Cayman Islands Climate Change Risk Assessment 2022, taking into further consideration the needs of the most vulnerable in our society such as children, the elderly, disabled, and the economically disadvantaged; and the implications for the Financial Services Sector. The core goals of the Policy are:

- To increase resilience to climate change; Support the transition to a low-carbon economy;
- Ensure climate actions are fair; and
- Take future generations into account.

The approval of this Policy is a testament to the incredible dedication of the Cayman Islands Government, the Ministry of Sustainability & Climate Resiliency; and our dedicated community, who showed up to public meetings and gave their feedback on the draft Policy when it went through a full 60 days of public consultation in 2023.

The Policy sets out clear time frames and strategic actions which will move the country towards the Policy's goals; and outlines 23 "quick wins" that have been identified as short-term actions that will build momentum toward the Policy's vision. Deliverable between 2024 and 2030, the quick wins include identifying climate-related financial opportunities and vulnerabilities, progressing the Coastal Setback Reference Line reassessment, and implementing a National Sargassum Management Strategy, to name a few.

To ensure relevancy and flexibility, the Policy will be reviewed every two years. This process allows the Ministry to integrate updated scientific findings, climate data, and technological innovations into the ongoing implementation of the policy.

Mr. Speaker, the Policy is largely guided by the Climate Change Risk Assessment which was conducted in 2022. Funded through the Governor's Office by the United Kingdom's Conflict, Stability and Security

Fund, and following extensive desktop research, technical stakeholder consultation, and public engagement, the resulting Cayman Islands Climate Change Evidence Report (2022) is the most comprehensive reference document to date on the potential implications of climate change on the Cayman Islands' environment, society and economy. The use of the Climate Change Risk Assessment as a guiding document ensures that the policy is grounded in the most current climate science available that is specific to our Islands and our region.

Mr. Speaker, the Policy focuses on improving the health, safety, and overall wellbeing of our communities by ensuring resilient infrastructure, safeguarding livelihoods, particularly for vulnerable groups, and protecting natural ecosystems. Strategies for achieving these aims are outlined through six key focus areas of the Policy:

1. Robust Economy, which speaks to the need for economic diversification and sustainable livelihoods.
2. Liveable Built Environment, which highlights strategies for climate-resilient infrastructure and planning.
3. Healthy and Resilient Communities, which focuses on better health and safety outcomes.
4. Resilient Infrastructure Networks, which speaks to the need for enhancing critical infrastructure to withstand extreme weather events.
5. Harmony with Nature, which outlines the need to protect natural ecosystems to support a healthy economy and community.
6. Integration and Coordination, which sets out strategies for streamlining government processes for urgent climate action.

The success of this Policy, Mr. Speaker, is contingent on collaboration across the Government and across all sectors of our economy. Although my Ministry has 'climate resiliency' in its name, the reality is that every Ministry, Department, company, organisation and individual in our country has a role to play in creating a more climate-resilient future for our Islands.

Climate change is a complex issue that requires coordinated efforts across many sectors. To support this, the Policy places an emphasis on cross-sectoral cooperation, engaging both government ministries and external stakeholders. This collaborative approach aims to embed climate resiliency into the national agenda. Although climate change is often thought of in terms of its environmental impacts, the impacts of climate change on human lives and livelihoods is increasingly in the spotlight. An example of this was the impact that each of us experienced with the recent flooding events that affected our homes, schools and businesses.

Climate change affects our lives, Mr. Speaker, not just our environment; that is why the Climate Change Policy sets our strategies to support economic

diversification, aiming to create sustainable livelihoods and make our economy more resilient to climate shocks. By acting now, we are protecting both the financial services sector and the broader economy from climate-related risks. Specific areas such as resilient infrastructure and safeguarding the natural environment are key to protecting tourism and other critical sectors—by reducing climate risks, the policy aims to ensure the long-term sustainability of these industries.

Mr. Speaker, as the Minister with responsibility for Gender Affairs, it was also extremely important to me and my Ministry team that the Policy addresses issues of equity and inclusivity. The Policy explicitly mentions the importance of addressing the needs of vulnerable groups such as children, the elderly, disabled individuals, and low-income households. Climate change risk factors disproportionately impact these groups, and it is important that our strategies and actions take this into account.

Now that the Policy has been approved by Cabinet and Tabled in this honourable House, the Ministry of Sustainability & Climate Resiliency can continue the process of developing a comprehensive implementation plan. This will involve consultations with both internal and external stakeholders to ensure a coordinated approach. The focus will be on identifying the resources, partnerships, and strategies needed to achieve the policy's long-term goals of climate resiliency, low-carbon transition, and fair governance.

One of the most urgent actions is the formation of the Climate Change Council. The Council will be responsible for the timely and coordinated implementation and review of the Policy, and its functions and composition shall be set in legislation hopefully in the near future. One of the core functions of the Council will be to promote a cohesive national response to urgent climate action set out in the Policy, and have oversight of policy implementation and periodic review.

Mr. Speaker, in addition to the formation of the Council, the Policy addresses the urgent need to secure funding and resources for the work of implementing the Policy. While the Policy outlines that, where possible, these costs will be absorbed within the operational budgets of government Ministries and Portfolios, the Policy also aims to establish a Climate Resiliency Fund, through legislation, to fund the timely implementation of this and future updates of the Policy.

Earlier this year, the Premier of the Cayman Islands, the Hon. Juliana O'Connor-Connolly, wrote to His Majesty's Government, in her capacity as President of the United Kingdom Overseas Territories Association, to advocate for increased access by the Overseas Territories to international climate finance mechanisms; and request a focused dialogue with the Territories to address these issues through the establishment of a dedicated, transparent, United Kingdom Climate Fund for the Overseas Territories. The approval of this Policy, and the creation of a local Climate Resiliency Fund, will enable the Cayman Islands to be well-placed to

take advantage of any opportunities that should arise from these discussions with the United Kingdom Government.

Mr. Speaker, the Climate Change Policy also provides a governance framework for climate action, which includes cooperation and coordination across Ministries and Departments, the private and public sectors, and civil society, and I look forward to seeing this Policy make a real and positive change in the future outlook for all three of our beloved Cayman Islands.

In conclusion, Mr. Speaker, I cannot overstate the importance of the Cayman Islands Climate Change Policy or the significance of this moment. The Cayman Islands and the wider Caribbean region have experienced more intense rainfall events and tropical storms, putting communities and critical infrastructure at greater risk of flooding and damage. Warmer sea temperatures and longer periods of drought jeopardise the health and viability of valuable, limited, natural resources upon which our tourism, our food security, our livelihoods and our quality of life depend.

Despite this, there are many opportunities to adapt to these changing conditions, building our resiliency, and thriving in spite of inevitable disruptions. The strategic measures outlined in this Policy aim to lower the risks that climate change poses to key sectors and vulnerable groups by reducing vulnerabilities, adapting, and embracing sustainable, low-carbon economic activities. Together, we can and will realise our vision of a climate-resilient Cayman Islands that promotes and sustains vibrant communities, a robust economy, and a thriving natural environment where people can live their best lives now and for future generations.

Mr. Speaker, before I close, I want to thank my Government colleagues for their support of this Policy; my Ministry team, for their hard work and dedication; the many other Civil Servants who contributed to the development of this Policy, and the many, many individuals who helped shape this Policy through their participation in town hall meetings and industry focus groups, and by providing written feedback on the Policy. Today's historic Tabling of the country's first national Climate Change Policy would not be possible without their efforts and support.

In closing, I want to encourage the community to visit the Ministry's website at www.gov.ky/sustainability to learn more about the Policy and download the full document.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Minister. A very important report and important statement.

[Desk thumping]

Suspension of Standing Order 23(7) and (8)

The Speaker: Madam Premier, we are past the hour of 11 o'clock. May I invite you to move to suspend Standing Order 23(7) and (8) in order that questions may be put to Ministers after the hour of 11 o'clock?

The Premier, Hon. Juliana Y. O'Connor-Connolly: Thank you, Mr. Speaker.

Mr. Speaker, I move the suspension of Standing Order 23(7) and (8) to allow questions to commence beyond the hour of 11 a.m.

The Speaker: The question is that Standing Order 23(7) and (8) be suspended in order that questions may be put to Ministers and Members of the Cabinet after the hour of 11 o'clock.

All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: I believe the Ayes have it.

Agreed: Standing Order 23(7) and (8) suspended.

QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

QUESTION NO. 2 UPDATE ON THE WATERFRONT TOURISM EXPERIENCE PROJECT

The Speaker: I recognise the Honourable Leader of the Opposition.

Hon. Joseph X. Hew, Leader of the Opposition, Elected Member for George Town North: Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask question No. 2, standing in my name, to the Honourable Minister of Tourism and Ports.

The question reads: Can the Honourable Minister provide an update on the Waterfront Tourism Experience Project, including the total costs to date?

The Speaker: The Honourable Minister of Tourism and Ports.

Hon. Kenneth V. Bryan, Minister of Tourism & Ports, Elected Member for George Town Central: Thank you, Mr. Speaker.

The answer: Mr. Speaker, the total cost to date for the Waterfront Tourism Experience Project is \$260,562.75.

Thank you, Mr. Speaker.

Supplementaries

Hon. Joseph X. Hew, Leader of the Opposition: Thank you, Mr. Speaker.

I thank the Honourable Minister for that response and wonder if he would be willing to provide, as the first part of the question said, an update on the plans for the attraction centre.

The Speaker: The Honourable Minister to answer.

Hon. Kenneth V. Bryan: Thank you, Mr. Speaker.

Mr. Speaker, I can only answer to the Member by saying that the current development plans, which is the first phase of the project before any works can be constructed, are being done by DDL Studio Ltd., and are almost complete. I'm hoping to have the final report and design specifications completed, and then I can give the Member an update from there. There's much more technical work that needs to be done as per the drawings and design for the site before any major works can be started.

The Speaker: Further supplementaries?

If there are no further supplementaries, Madam Clerk.

QUESTION NO. 3 UPDATE ON STAYOVER TOURISM INCLUDING MONTHLY COMPARISONS FOR 2023 AND 2024, AND EXPECTED ARRIVALS BY YEAR END

The Speaker: I recognise the Honourable Leader of the Opposition.

Hon. Joseph X. Hew, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask question No. 3, standing in my name, to the Honourable Minister of Tourism and Ports.

The question reads: Can the Honourable Minister provide an update on the current state of stayover tourism, including the arrivals by month for 2023, with the monthly comparatives for 2024, and the expected monthly arrivals by year-end?

The Speaker: The Honourable Minister of Tourism to answer.

Hon. Kenneth V. Bryan: Thank you, Mr. Speaker.
The answer is as follows:

Month (2024)	Total
January	38,446
February	41,608
March	57,040
April	37,159
May	34,882
June	41,564
July	38,396
August	28,118

Mr. Speaker, though the month of September is complete, the confirmation of the numbers has not been completed. There are estimated amounts for September through December as follows, with a grand total of 439,660.

September (estimated)	13,201
October (estimated)	21,041
November (estimated)	36,310
December (estimated)	51,895
Grand total	439,660

Supplementaries

The Speaker: Thank you, Honourable Minister.
Supplementaries?

I recognise the Honourable Leader of the Opposition.

Hon. Joseph X. Hew, Leader of the Opposition:
Thank you, Mr. Speaker.

I thank the Honourable Minister for the detailed numbers. Can the Honourable Minister say whether they are confident that they will meet their targets for this year?

The Speaker: The Honourable Minister to answer.

Hon. Kenneth V. Bryan: Thank you, Mr. Speaker.

The simple answer, Mr. Speaker, is yes. Though we had a bit of a dip due to the recent weather patterns and threats of hurricanes, happily we made some positives in the early months to make up for those [dips]; as well as the positives that are expected to be higher than we projected. Therefore, Mr. Speaker, the answer is simply yes, we do believe we're going to make our projected numbers.

Sadly, the dips in those months will probably take away from my opportunity to say that we've surpassed our projections [by much] more than projected but, as long as we meet the financial mark... That would be the priority so we can meet our budgetary demands.

The Speaker: Thank you, Minister.
Further supplementaries?

The Honourable Member for Cayman Brac West and Little Cayman.

Mr. Moses I. Kirkconnell, Elected Member for Cayman Brac West and Little Cayman: Thank you, Mr. Speaker.

Mr. Speaker, I only rise to ask the Minister if he could give us a comparison between our arrivals and the other Caribbean island arrivals. The simple question is, they're showing growth— are we showing growth pre-pandemic?

The Speaker: Honourable Minister to answer.

Hon. Kenneth V. Bryan: Thank you, Mr. Speaker.

That's a rather in-depth question; I would love to have the details before me, but I was not prepared for it. [I can happily do the comparative research and provide it for him](#), but I think the former Minister would recognise that every year since the reopening of our tourism product, we have been in the positives so we have been increasing our [arrival] numbers. I think the question the Member may be asking is, have we gotten back to the pre-pandemic numbers of 2019?

We're not quite there yet, but we are expected to be back there in 2025, and that was suggested within our budget contributions. I don't think there's any specific reason, outside of the competitive nature of things and everyone being back in the game to try to get more guests. We are taking steady growth back to where the 2019 numbers were [and] I don't think that we are behind in any capacity.

The Speaker: Thank you, Honourable Minister.
Further supplementaries?
The Member for Bodden Town West.

Mr. Christopher S. Saunders, Elected Member for Bodden Town West: Thank you, Mr. Speaker.

Mr. Speaker, through you to the Honourable Minister: if memory serves me correctly, the total for 2023 stay-over exceeded the budget forecast and, based on government financial reports, the amount of money estimated to be collected from tourism accommodation tax also exceeded the government's forecast.

Can the Minister tell this honourable House, the reasons we were able to get such favourable responses for the tourism accommodation tax and exceed the forecast?

The Speaker: The Honourable Minister of Tourism to answer.

Hon. Kenneth V. Bryan: Thank you, Mr. Speaker.

Before answering the Honourable Member's question— it's a beautiful question by the way— I think it is important that I add some clarity to my previous statement to the former Minister. We have surpassed our revenue numbers by leaps and bounds; by record-breaking numbers, I dare say, even last year and the previous year, and I have made such announcements in Parliament before.

We expect to do so again this year and into next year. I think the specific question though, which is important to us all, is the number of visitors, because there is a difference between the number of visitors and how much tax we receive from them.

The other important point that may be relevant to the Member's question and to the listening audience, is that the value proposition of quality over quantity has succeeded with respect to the stay-over component whereby, though we have not surpassed the 2019 per person numbers, we're getting more value out of each

person than we ever did before. This allows us to offer our product in a comfortable way while surpassing the revenues that we need from it.

Mr. Speaker, now addressing the Honourable Member for Bodden Town West's question, what caused this success? I would dare say, it's the hard work of the Department of Tourism, but also the policy decision that has been supported by this Government to venture out into new areas, particularly having new routes to Los Angeles (LAX) and Panama. Even though the Barbados flight was discontinued, I think the marketing on behalf of that other jurisdiction exposed us to places they were marketing to, that we were not.

Though they were marketing our national airline to fly through the Cayman Islands, you can't say *get on Cayman Airways* without talking about Cayman. So it has been the benefit of a number of different initiatives like opening up to different markets [and] trying to diversify. I am happy to say that the LAX flight is currently very successful though some Members were not in support; and the Panama flight is also very successful— pardon me, Mr. Speaker.

[Pause]

Hon. Kenneth V. Bryan: Mr. Speaker, unless there are other supplementaries, I think that would suffice for the Member's question.

The Speaker: Thank you, Honourable Minister.

Any further supplementaries?

The Member for Cayman Brac West and Little Cayman.

Mr. Moses I. Kirkconnell: Thank you, Mr. Speaker.

I thank the Minister again. I think he took two bites at answering my question. I appreciate the time that he spent with it.

I have a very simple question. There is the Caribbean region, when you look at Saint Lucia, Barbados, Jamaica and Cuba, their numbers this year exceed pre-pandemic and shows growth over where they were. I think it's a fair question, if the Minister has any concerns about other destinations showing more growth or if he's comfortable where we are, because we all support him and know that tourism is very important to us as in a three-island country.

The Speaker: The Honourable Minister to answer.

Hon. Kenneth V. Bryan: Thank you, Mr. Speaker, and I thank the Member for the question. It is good to see our brothers and sisters in the other jurisdictions doing well.

Mr. Speaker, I think that how we are growing and the pace at which we are growing has to be determined by us, here in the Cayman Islands. I think we recognise that we are faced with a number of issues,

from population growth to housing. Just a mere consideration of what other jurisdictions are [facing] by their growth: with growth come other issues. We have three major hotels opening in the very near future which mean employment and revenue opportunities for the Cayman Islands, so by all means, I have no fear of the future for tourism.

Rather than the successes of tourism, I am more fearful about how we manage that growth. I think the people of the Cayman Islands would rather we do it in a measured way, rather than worrying only about the revenue. Though revenue is important, what is most important to the people of this country is the ability to have somewhere to sleep, have food before them, and not be stuck in traffic every day. So, though we are progressing in a measured and monitored way, we are confident in the future of our tourism product.

The Speaker: Thank you, Honourable Minister.
Any further supplementaries?

QUESTION NO. 4 UPDATE ON CAYMAN ISLANDS FURTHER EDUCATION CENTRE

The Speaker: I recognise the Honourable Deputy Leader of the Opposition.

Ms. Barbara E. Conolly, Deputy Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask the Honourable Premier and Minister of Education question No. 4, standing in my name: Can the Honourable Premier update the House on the current temporary arrangements for students and teachers of the Cayman Islands Further Education Centre (CIFEC), and the expected date for completing the permanent premises for CIFEC?

The Speaker: I recognise the Honourable Premier and Minister of Education.

The Premier, Hon. Juliana Y. O'Connor-Connolly: Thank you, Mr. Speaker, and thanks to the Deputy Premier for the question. The answer—

An Hon. Member: Deputy Leader of the Opposition.

The Premier, Hon. Juliana Y. O'Connor-Connolly: Freudian slip.

[Laughter]

The Premier, Hon. Juliana Y. O'Connor-Connolly: Deputy Leader of the Opposition.

Current temporary provision

The students and teachers of the Cayman Islands Further Education Centre (CIFEC) are currently

housed in temporary facilities at the Family Life Centre. This accommodation is in place until the 30th November, 2024.

The temporary accommodation provides for 16 teaching spaces, onsite meal provision, bus drop-off and pick-up, and services include security provision and janitorial provision as is normally provided to our government schools. The technology provision has been set up and supported fully by the Department of Education Services' (DES) Information and Communication Technology (ICT) team.

Mr. Speaker, CIFEC and the John Gray High School (JGHS) have worked out the logistics to facilitate the use of the technical spaces to accommodate teaching for the following subjects from 2 pm to 4 pm:

- Motor Vehicle
- Family Resource Management
- Technical drawing; and
- Construction.

Delivery of these subjects have been initially focused on the theoretical elements to allow the school to settle into its new temporary location, before transitioning to the practical elements of the courses which will commence in mid-October.

Mr. Speaker, I am reliably informed that DES is in daily contact with CIFEC's administration through the school improvement team and visits the site often to ensure that teaching and learning are taking place, and regular communication channels function with the Director and Deputy Director of CIFEC to quickly remediate any issues that are flagged, whether through the Facilities Unit, Business Services Unit or any other team within DES.

Anticipated completion of the permanent location

The project team managing the project for the remediation of the George Hicks Campus for the occupation of the site for CIFEC staff and students, on behalf of the Ministry of Education, have advised that work under contract has been completed, and snag-list items are being addressed at this time.

The dates for handover of the site to DES have been adjusted from the initial date of June 2024, which was communicated earlier this year. In the absence of the handover, DES was given permission to undertake trade and artisan work on the site from May 2024, at which time, the scope of the additional work needed to be completed by DES was assessed. Subsequently, work commenced on some of the additional elements that were needed for full occupancy.

While the full scope of the additional work that is required to be undertaken once the Building Control Unit (BCU) inspections are complete is not yet known, the scope will provide a more definitive timeline for completion.

With information ascertained to date, Mr. Speaker, it is anticipated with the known scope that remediation work will be completed by November 2024. However, with the identification of the additional works that are required after BCU inspections, the completion date will be reassessed and earlier notification provided if there is a change in this specified timeline.

The Speaker: Thank you, Honourable Premier. Supplementaries.

Ms. Barbara E. Conolly, Deputy Leader of the Opposition: Thank you, Mr. Speaker.

I thank the Honourable Premier and Minister of Education for that very thorough and detailed response. Thank you.

The Speaker: Any further supplementaries? No further supplementaries.
Madam Clerk.

STATEMENTS BY HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Speaker: Honourable Members, a whole slew of statements have been visited upon me. I have done my best to divide them; by my calculation, if all of them were to proceed it would take about three hours, so I've divided them between today and tomorrow. After discussion with the Honourable Premier, the most important ones are the statements in relation to exceptional circumstances appropriation changes in anticipation of Finance Committee. So I've decided that we will take all of those, plus a number of the other, less lengthy ones this morning, and we'll deal with the rest tomorrow.

Honourable Premier, I believe you have two.

The Premier and Minister of Education

Section 11(5) Appropriations for the Ministry of Education

The Premier, Hon. Juliana Y. O'Connor-Connolly: Yes, thank you, Mr. Speaker. Both are section 11(5) [Appropriations] for clarity. The first one I'll deal with Mr. Speaker, relates to the Ministry of Education.

Mr. Speaker, as required by section 11(6) of the Public Management and Finance Act (2020 Revision) (PMFA) I make this statement to the Members of this honourable House with respect to the exceptional circumstance transactions that Cabinet approved for the Ministry of Education for the period 1st January, 2024 to 30th September, 2024. Such transactions were approved pursuant to section 11(5) of the PMFA. The statement provides details of the aforementioned transactions.

The Speaker: Madam Premier, I hate to interrupt you but I was just going to ask if copies had been distributed to Members.

It's being done now? Okay.

The Premier, Hon. Juliana Y. O'Connor-Connolly: Thank you, Mr. Speaker.

TP 51 – Other Educational and
Training Assistance

Mr. Speaker, the Triple C School has been undergoing serious financial challenges for some time. In 2023, the Cabinet approved a one-time grant to help alleviate the potential impact on the wider educational provision across the Island of Grand Cayman.

Triple C School continues to face significant hardships largely due to a decline in enrolment of over 50 per cent compared to pre-COVID-19 figures. The school struggled to meet its ongoing operational expenses and needed capital works.

Due to the extenuating circumstances that Triple C School found itself in, and considering the social impact on families that it serves, it was befitting to assist in whatever way possible. This assistance was in the form of a one-time grant of CI\$400,000, Mr. Speaker. Therefore, approval is being required under section 11(5) of the PMFA (2020 Revision) to increase TP 51 – Other Education and Training Assistance by \$400,000. Because it was a section 11(5) appropriation, it came from the wider Cayman Islands Government (CIG) budget for 2024.

TP 82 - Special Education Needs Scholarship

Mr. Speaker, the Cayman Islands Government is committed to providing alternative placement for all compulsory-age students with special education needs who cannot be accommodated currently at the Light-house School.

This year, there were 46 such students. Based on where they have been placed, the Appropriation to fully cover these costs was short by \$300,682. Therefore, Mr. Speaker, approval is required under section 11(5) of the PMFA (2020 Revision) to increase TP 82 – Special Education Needs Scholarship by \$300,682, and decrease TP 83 – Scholarships for Medical Specialisation by \$300,682.

EI 12 – Ministry of Education

In early 2020, the first stage of the new John Gray High School project was completed, and the students could move into the new campus, Project A. The second phase, or Project B, was the renovation of the old school known as George Hicks Campus to allow it to be occupied by the Department of Education Services, the Cayman Islands Further Education Centre, the Behaviour Support Services, Early Intervention

Programme, ICT for the Ministry of Education, and Student Services. However, Mr. Speaker, there were some critical works identified that were not captured in the Project B arrangement, that were required to be completed before any of the aforementioned units could move in to this renovated site.

The Department of Education Services will address these out-of-scope works, which were estimated to cost \$4 million.

The third phase of the new John Gray High School Project, Project C, involves demolishing the Cayman Islands Further Education Centre, and completing the John Gray High School Sports Fields. In 2018, the Outline Business Case for the new John Gray High School Project was approved by the then Cabinet, which estimated Project C to cost no more than \$3,074,000. However, in 2024, Mr. Speaker, when the procurement was duly completed, the estimated cost is now \$6,200,000. Based on the 2024 budget allocation for the project, there was a shortfall of \$3 million.

Approval is being sought, by virtue of section 11(5) of the PMFA (2020 Revision), to increase EI 12 – Ministry of Education by \$7 million. The decrease was taken from the general CIG budget.

In conclusion, Mr. Speaker, I thank you for allowing me to explain the exceptional circumstances that resulted in these Supplementary Appropriations being requested by the Ministry of Education, for the 1st January to the 30th September, 2024.

With your permission, I would move on to District Administration & Lands' (DAL) section 11(5).

The Speaker: Yes, Madam Premier, please proceed.

The Premier, Hon. Juliana O'Connor-Connolly: Thank you for your kind indulgence, Mr. Speaker.

Mr. Speaker, section 11(5) as it relates to DAL. Thank you once again for allowing this—

The Speaker: Sorry, Madam Premier. I got a late indication that the honourable Member for George Town East would like to ask a question.

Mr. Roy M. McTaggart, Elected Member for George Town East: Thank you, Mr. Speaker.

Mr. Speaker, just looking for clarity here because there are two spaces in the document we were given, where she mentions that the decrease was taken from the wider CIG budget for 2024. I would like to understand what that means, because normally, I would expect to see it come from a specific head of expenditure.

The Speaker: Madam Premier?

The Premier, Hon. Juliana O'Connor-Connolly: Basically, Mr. Speaker, based on my reliable verification, it means that it came from central funding. It was a

pure, straightforward 11(5), as opposed to a neutral transfer from one head to the next.

The Speaker: Is that satisfactory?

[Inaudible interjection]

The Speaker: Okay, I thought so.
Madam Premier.

Section 11(5) Appropriations for the Ministry of District Administration and Lands

The Premier, Hon. Juliana O'Connor-Connolly:
Thank you, Mr. Speaker.

Mr. Speaker, the Cabinet considered and approved the following requests for section 11(5) appropriations in accordance with the Public Management Finance Act (2020 Revision) by the Ministry of District Administration and Lands to satisfy 2024 and 2025 expenditure needs as follows:

EA 42 – Cayman Brac and Little Cayman Street Lighting

Mr. Speaker, Cabinet approved the increase to EA 42 – Cayman Brac and Little Cayman Street Lighting in the Ministry of District Administration by CI\$50,000 via section 11(5) to facilitate light pole insulation on the island of Cayman Brac. The aforementioned increase of \$50,000 to EA 42 was the result of a decrease by EI 87 – Ministry of District Administration and Lands' equity injection of the said amount—namely \$50,000—so it was cost-neutral, Mr. Speaker.

DAL 1 – Policy Advice and Support to the Ministry of District Administration and Lands

Mr. Speaker, Cabinet approved the increase to DAL by \$40,000 in 2024, and \$160,000 in 2025, via section 11(5) of the Public Management and Finance Act (2020 Revision) to create a new role for a Senior Project Manager within the Ministry for District Administration, which is in dire need, to manage and facilitate the timely completion of ongoing and upcoming major projects on Cayman Brac.

In conclusion, Mr. Speaker, I thank you for allowing me this opportunity to explain the exceptional circumstances which resulted in Supplementary Appropriations initiated by DAL by virtue of section 11(5) of the PMFA (2020 Revision) for the years 2024 and 2025.

I thank you, Mr. Speaker.

The Speaker: Thank you, Madam Premier.

The Honourable Minister for Health and Wellness.

Honourable Minister, I know you've submitted more than two statements, but the two I have approved

for this afternoon's delivery are the Exceptional Circumstance Appropriation Changes for the 2024 Financial Year for the Minister of Health; and Wellness, and the Update on the Power Outage at His Majesty's Prison, Northward.

Hon. Sabrina T. Turner: Mr. Speaker, thank you.

Minister of Health & Wellness and Home Affairs

Exceptional Circumstance Appropriation Changes for the 2024 Financial Year

Thank you for allowing me the opportunity to bring to the attention of this honourable Parliament, the details of the Appropriation changes approved by Cabinet for the Ministry of Health and Wellness in accordance with section 11(5) of the Public Management and Finance Act (2020 Revision) during the 2024 Financial Year.

Mr. Speaker, the Ministry had two such changes during 2024:

- August 2024: Supplementary funding of \$10.3 million to cover HEA 2 – Medical Care for Indigents; and
- Supplementary funding of \$21.2 million for Appropriation NGS 55 – Tertiary Care at Various Local and Overseas Institutions.

Mr. Speaker, in accordance with section 11(5) of the Public Management and Finance Act (2020 Revision), on August 8th, 2024 Cabinet granted approval for supplementary funding for Appropriation HEA 2 – Medical Care for Indigents in the amount of CI\$10.3 million— as stated— to ensure that adequate funding was made available for this Appropriation during this fiscal year 2024, in order to ensure the continued coverage of approved persons under this Appropriation,

Mr. Speaker, also on August 8th, 2024, in accordance with section 11(5) of the Public Management and Finance Act (2020 Revision), Cabinet granted approval for Supplementary funding for Appropriation NGS 55 – Tertiary Care for Various Local and Overseas Institutions in the amount of CI\$21.2 million for the Fiscal Year 2024, to ensure that adequate funding was available for the continued coverage of approved persons under this Appropriation.

Mr. Speaker, it must be noted that adequate funding for both Appropriations is needed to prevent any disruption to the provision of these vital primary and secondary health care services to the people of the Cayman Islands on behalf of the Cayman Islands Government.

In both instances, Mr. Speaker, the Ministry of Health and Wellness had to ensure that financial obligations to local and overseas health care providers were met in a timely manner.

The aim was to avoid any negative effects that could occur with the relationship providers have with

Cayman Islands Government-referred patients, resulting in them being denied access to critical care. This had the potential to affect not just the indigent, but the entire civil service body and public service.

Thank you, Mr. Speaker, for the opportunity to outline the various section 11(5) Supplementary funding requests, which occurred during the 2024 Fiscal Year.

The Speaker: Thank you, Madam Minister. I think you have one more.

Update on the Power Outage at His Majesty's Prison, Northward

Hon. Sabrina T. Turner: Yes, thank you.

Mr. Speaker, thank you for the opportunity to offer a very brief statement to this honourable Parliament, the purpose of which is to provide an update as to a power outage that impacted His Majesty's Prison (HMP) Northward, this past Sunday, 6th October around 2.30 p.m.

On that day, direct power supply to HMP Northward was temporarily suspended in coordination with Caribbean Utilities Company (CUC). This was necessary to allow the company to perform maintenance to its transformer equipment. As such, the Prison Service activated its standby generators to provide power to the prison.

During the process of transferring back to direct power supply, a fault occurred, which prevented restoration. Since then, CUC and the Prison Service have been actively coordinating to enable full restoration of power to the facility.

Mr. Speaker, I commend the Director of Prisons and his team, for their swift operational response and ongoing engagement with CUC to fully restore power.

It is anticipated that the process will be completed by Thursday of this week. In the interim, the Prison Service will continue utilising its standby generators to power the facility.

Thank you, very much.

The Speaker: Thank you, Madam Minister.

The Honourable Minister of Border Control, Labour and Culture has a short statement.

[Pause]

The Speaker: Or perhaps, if he isn't quite ready, I can call on another Minister.

Hon. Dwayne S. Seymour, Minister of Border Control & Labour and Culture, Elected Member for Bodden Town East: Mr. Speaker, thank you very much. I originally asked for this to be deferred, but since you called on me, I'll do the noble thing and respond.

The Speaker: Usually I get chastised for not calling on Ministers, but please carry on.

Minister of Border Control & Labour

Proposed Changes to the Labour Act (2021 Revision)

Hon. Dwayne S. Seymour: Mr. Speaker, while we understand the socioeconomic challenges that have impacted many countries around the world— including our Islands— as a result of the monetary policy of the United States to fight against inflation and to restrict fiscal support to ease inflationary pressures, it is imperative to understand the immediate need to modernise our employment standards to ensure that all employees benefit favourably in these Islands.

As our Islands continue to perform favourably despite the current economic climate, we must address the social and economic imbalance of our people's legal rights and entitlements in respect of their employment, by making the necessary legislative changes to improve their well-being and dignity.

The entitlements we intend to propose are to increase employee benefits for pregnant women, mothers, and fathers relative to parental and adoption leave, including improvements to vacation leave and overtime pay entitlements. The proposed changes aim to enhance the legislation to align the local employment standards with that of the Civil Service of the Cayman Islands Government, and the international standards of the labour reform enforced by the International Labour Organisation to remain competitive in this fast-paced global landscape.

Mr. Speaker, there are other key recommendations to improve the legal employment requirements for all employees. Of those legislative changes, we must address:

1. The need for all employees to receive their employment contracts within ten (10) working days from the date of their employment;
2. The need for employers to retain accurate employee records (that is, records of the hours worked, leave taken, and wages/salaries paid) for all employees instead of 10 or more persons employed, as stated in the current Labour Act;
3. The need for employers to keep employee records for a period of five years as per the National Pensions Act rather than for two years as stipulated under the Labour Act;
4. The need to permit for the order of costs/legal fees to be recouped by Complainants and/or Appellants for cases favourably won in legal proceedings before the Labour Tribunal, and Labour Appeals Tribunal;
5. The need to grant the Department of Labour and Pensions the regulatory power to issue

administrative fines to non-compliant employers that have breached the Labour legislation; and

6. The need to complete immaterial legislative changes for clarity of the Labour legislation.

In closing, I speak for my colleagues, and reiterate that the Cayman Islands Government is confident that our approach will further help strengthen our economy to ensure that our people benefit from our prosperity.

I thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Minister.

Honourable Minister of Planning, Agriculture, Housing, Infrastructure, Transport and Development. You have five statements, all relating to section 11(5) approvals by Cabinet which would need to be dealt with by Finance Committee when it meets on Friday. You may proceed, sir.

Minister of Planning, Agriculture, Housing & Infrastructure

Hon. Johany S. Ebanks: Thank you, Mr. Speaker.

Re-allocation of funds for the creation of swimming hole areas at the East End Public Beach and Collier's Public Beach

Mr. Speaker, I rise before this honourable House to report on an approval by Cabinet pursuant to section 11(5) of the Public Management and Finance Act (2020 Revision). This approval concerns the re-allocation of funds for the creation of swimming hole areas at the East End Public Beach and Collier's Public Beach.

The approval will see a transfer of CI\$140,000 from Financial Year 2024 EI 86 – Ministry of Youth, Sports and Heritage to EA 168 – Infrastructure and Development in the Ministry of Planning, Agriculture, Housing, Infrastructure, Transport and Development.

Cabinet's approval of funds for rebuilding of a dock at the Heritage Public Beach in East End

Mr. Speaker, I rise before this honourable House to report on an approval by Cabinet pursuant to section 11(5) of the Public Management and Finance Act (2020 Revision). The approval will allocate funds for the rebuilding of a dock at the Heritage Public Beach in East End. The specific details of the approval are:

1. Transfer CI\$250,000 from the Financial Year 2024 EI 86 - Ministry of Youth, Sports and Heritage to the Financial Year 2024 EA168 – Infrastructure and Development, Ministry of Planning, Agriculture, Housing, Infrastructure, Transport and Development; and

2. Transfer CI\$250,000 from the Financial Year 2025 EI 86 - Ministry of Youth, Sports and Heritage to the Financial Year 2025 EA168 – Infrastructure and Development, Ministry of Planning, Agriculture, Housing, Infrastructure, Transport and Development.

Hurricane Beryl Preparation and Recovery Efforts

Mr. Speaker, Honourable Members of Parliament, on the 8th July, 2024, under section 11(5) of the Public Management and Finance Act (2020 Revision), Cabinet approved CI\$250,000 in supplementary funding for Hurricane Beryl Preparation and Recovery Efforts. This will see an increase in Transfer Payment (TP) 76 - Assistance for Infrastructure Development by CI\$250,000 for the 2024 Financial Year.

Approval for Transfer of Funds within the 2024/2025 Financial Years Appropriations for the Ministry of Planning, Agriculture, Housing, Infrastructure, Transport and Development

Mr. Speaker, Honourable Members of Parliament on the 20th August, 2024, under section 11(5) of the Public Management and Finance Act (2020 Revision), Cabinet approved the transfer of funds within the 2024/2025 financial year's appropriations of the Ministry of Planning, Agriculture, Housing, Infrastructure, Transport and Development (PAHITD).

This will see a reduction in the Ministry of PAHITD's appropriations for the 2024 Financial Year: EA 168 – Infrastructure and Development by CI\$500,000. Likewise, this will see an increase in the Ministry of PAHITD's appropriations for Financial Year 2024: TP 76 – Assistance for Infrastructure Development by CI\$500,000.

Approval for an Increase in Allocation for Funding for EA148 – Funding for Major Road Works and Road Infrastructure

Mr. Speaker, in accordance with section 11(5) of the Public Management and Finance Act (2020 Revision), Cabinet approved an increase of CI\$5,000,000 in the 2024 Financial Year for the funding of EA 148 – Major Road Works - Expansion Projects expenditure. This will see a total disbursement of CI\$19,000,000 from the Infrastructure Development Fund. This necessary adjustment will ensure that our road infrastructure projects remain on track, despite the projected financial shortfall.

Thank you, Mr. Speaker.

The Speaker: That concludes the statements for today.

Madam Clerk.

PERSONAL EXPLANATIONS

The Speaker: None.

OBITUARY AND OTHER CEREMONIAL SPEECHES

Morgan DaCosta

The Speaker: Honourable Members, it is my solemn duty to pay tribute today to a giant of our community, the late Mr. Morgan DaCosta, a friend and a brother.

I believe you would all agree, that in commemorating him, we are remembering not just the man but a force, a cultural beacon whose influence will echo in the Cayman Islands for generations to come. His loss is felt deeply throughout our Islands, but of course, his legacy will endure through all aspects of Cayman's arts and cultural communities and for those who hold him dear.

Morgan DaCosta was not just a name we knew; he was a spirit that infused every corner of Caymanian life with vibrancy and soul. His contributions were woven into the very fabric of our culture through the arts, music, theatre, and his unwavering dedication to our community. He was not content to merely witness the evolution of Caymanian heritage—he shaped it, nurtured it, and ensured that it blossomed for future generations.

As a Board Member of the Cayman National Cultural Foundation for over two decades, Morgan cherished Cayman's past, and what it is that makes us such a unique and blessed country. He respected it, protected it, and championed it, but he also forever had his eye on the horizon, on the future of Cayman's cultural landscape.

For him, heritage was not simply a memory but a living breathing entity, one that he fiercely protected while encouraging it to grow. He was a bridge between generations, between the old and the new. Reminding us all that our roots are the source of our strength and that artistic expression has no time limit, and his legacy can be seen all around us in the rich development of Cayman's programmes and events that sparked generations of artists and creatives to pursue their craft.

An icon for Cayman's cultural landscape, Morgan brought his unique spirit and vitality to our community in ways words often cannot, but Morgan's contributions went far beyond his work. His heart was as large as his talent. He was a man of boundless joy, and he dedicated himself to giving back to this community that meant so much to him. He knew that culture is not a luxury, but the soul of a nation and he spent his life safeguarding that soul.

Honourable Members, today we grieve, not only for a life lost far too soon, but for a light that shone so brightly in our midst. Yet, even in our sadness, we take solace in the fact that Morgan's light has not gone

out. It lives on in the programmes he helped to create, in the generations of Cayman's creatives who are finding more and more opportunities and resources to develop their craft, and in the countless lives he touched. The Cayman Islands are undeniably richer for his presence, and his spirit will forever be a part of who we are as a people.

To his widow, Jocelyn; his daughter, Kelsey; his young son, Hart; his dear mother, Miss Jeannie; brothers Gene and Oscar; and to Waide DaCosta and all of his beloved cousins, his friends and to all across the community who had the privilege of knowing Morgan we extend, from this Parliament, our deepest and heartfelt sympathies. No words can truly soothe the pain of his passing, but I hope all of you who suffer this loss will find comfort in the knowledge that Morgan's legacy is eternal. His love for this land, his commitment to our culture, his support of Cayman's artistic talents and his passion for uplifting others will be remembered, honoured, and celebrated for years to come.

Let us not only remember Morgan DaCosta as a cultural icon, but as a man who loved deeply, who gave selflessly, and who lived passionately. He represented the very best of the Cayman Islands, and his legacy will forever inspire us to do the same. Though he is no longer with us, his spirit will remain a guiding light for all of us, showing us the way forward, rooted in the beauty of our past. May his soul rest in peace.

John Caldwell (JC) Calhoun

Honourable Members, I also wish to say a few words to acknowledge another loss for our country. One who was not born here, but who without doubt was of this place; the late Mr. JC Calhoun, a visionary leader and cherished member of the Cayman Islands community, and whose recent passing leaves a profound void.

As a co-founder of the Cayman Islands Real Estate Brokers Association (CIREBA), JC dedicated over four decades of his life to shaping the landscape of real estate in our Islands. His dedication helped transform Cayman's real estate landscape into a thriving and respected industry. I knew him for over 50 years, and I personally mourn his passing. Beyond his professional achievements, JC's legacy is equally defined by his deep commitment to philanthropy and his tireless efforts to uplift the youth of our Islands.

He believed strongly in the importance of community, and his generosity reached far and wide. Whether through supporting educational initiatives or investing in programmes that empowered young Caymanians to succeed, JC was always driven by a desire to create opportunities for the next generation. His contributions extended beyond business, touching the lives of many people who will forever be grateful for his guidance and support. Particularly, his work, his efforts, his drive and his passion to create the Field of Dreams, which allowed the development of softball in these Islands, is something which many, many Caymanians,

young and some not so young anymore, will forever be grateful for.

As we mourn the loss of this remarkable man, we celebrate a life filled with service, leadership and an unwavering love for the Cayman Islands and its people. His legacy will endure not only in Cayman's real estate industry which he helped build, but also in the many lives of those he touched through his generosity and mentorship.

Our thoughts and prayers go out to his family, loved ones, friends and to all those who are dealing with this loss.

Kent Dalmain Eldemire

The Speaker: Honourable Members, I also wish to pay tribute to another Caymanian icon and someone who I've also known for most of my life, Mr. Kent Eldemire, whose impact on our community is immeasurable.

Mr. Eldemire was a true pioneer, and his contributions to Cayman's international reputation cannot be overstated. A founding member and past President of the Cayman Islands National Watersports Association and the Maritime Heritage Foundation, Kent's passion for the ocean and his dedication to developing our diving industry helped establish Cayman as a world-renowned destination for diving and water sports.

Mr. Eldemire was more than a dive legend—he was a visionary leader who worked tirelessly to promote safety, innovation, and excellence in the water sports community. He was also instrumental in implementing our treasured Marine Parks, and it was this love for the sea and our marine environment that leaves a lasting legacy for the benefit of our Islands. As we remember Mr. Eldemire today, we join in a wide community in mourning the tremendous loss, but also in recognising his remarkable achievements. We also celebrate the values of leadership, service, stewardship, and care that he embodied.

On behalf of this honourable House, I extend our deepest sympathies to his family and loved ones, his friends, and to the global diving community. We are forever grateful for his passionate commitment to our beautiful Islands. May his legacy live on in the waters that surround us and in the hearts of those who knew him.

Honourable Members, at this point I will invite those of you who wish to say something either in relation to those that I have eulogised or, indeed, any other persons in the community who have gone on in recent times, to do so now.

I recognise the Member for West Bay West.

Hon. W. McKeeva Bush, Elected Member for West Bay West: Mr. Speaker, I rise to offer condolences to all families who have lost a family member since this House last met—and Mr. Speaker, there have been far too many.

Every week there have been more and more funerals. I can't figure out a time I have seen so many pass on in my 69 years, and so close together. Just last month, I had five first cousins and second cousins in the morgue at one time; one is still left to be buried. Five.

Darryl Myers

Mr. Speaker, you have paid due respect to several outstanding community leaders and workers who have helped to shape so many aspects of our country positively; there is no need for me to try to repeat what you have already so ably eulogised, but I do want to put on record the passing of Mr. Darryl Myers from Travers Thorp Alberga [formerly Myers & Alberga].

Mr. Myers was born in Jamaica and came to Cayman many years ago and was part of that firm. He made a huge contribution to the legal fraternity and, through it, to the development of our Islands. Mr. Speaker, our Islands have done well over the years in spite of our many problems as a developing state and many people like Mr. Myers have contributed very positively to our success. We must say thanks to people like him, and we do so now, for his work and what he did to help many, many others in our country.

We pass on our condolences to his wife and family, his colleagues in the firm of Travers Thorp Alberga, and of course, the legal fraternity.

Thank you, Mr. Speaker.

Ina Victoria Connor

Before I sit, maybe the Member for East End is going to make note of the late Ms. Ina Connor. She was 105 years old. I raise that because while we attended her funeral and did what we had to do, she was the caretaker when my wife was born, so we had close connections over the years. She lived with my mother-in-law, father-in-law and others in West Bay, so we do put on record our condolences. She is the aunt of the Minister, the Member for East End.

[Pause]

The Speaker: Honourable Member for West Bay West, do you mind turning off your mic, please?

Honourable Minister for Labour.

Hon. Dwayne S. Seymour: Thank you, Mr. Speaker.

The Ministry of Border Control & Labour and Culture was saddened to hear the news of the passing of Morgan DaCosta, a cherished member of the Cayman National Cultural Foundation (CNCF). For over 25 years, Morgan DaCosta dedicated his life to the promotion and preservation of Caymanian culture, leaving an indelible mark on our community through his passionate involvement in numerous CNCF programmes, including the beloved *Rundown*.

Mr. DaCosta's contributions were not only significant, they were transformative. Throughout his tenure, he held various key positions, including Treasurer, Deputy Chairman and Chairman of the Grants and Awards Committee. His commitment to fostering local talent and nurturing the arts has greatly enriched our cultural landscape and will continue to inspire future generations.

Mr. Speaker, as mentioned, Morgan was a true champion of Cayman's rich heritage. His unwavering dedication to our culture and community has left a lasting legacy. Our thoughts and prayers are with his family during this difficult time. His passion for the arts and commitment to the CNCF will not be forgotten and he will always hold a special place in the hearts of all who knew him. As we mourn his profound loss, we honour Morgan's legacy and his remarkable work with the CNCF. His contributions to our culture and community will resonate forever.

I called a meeting, Mr. Speaker, with Morgan a few weeks ago and the meeting was about him taking up the Chairmanship of the CNCF. I've known Morgan for a very long time, from school. I often spoke with him and he always spoke of Geoff Cresswell— being the founder of CNCF and trying to ensure that he got his accolades. He was always calling about that. I saw him again at the late Dave Martins' gathering at the Harquail just a few weeks ago. We spoke for a long time about the state of Cayman's culture.

To Gene, my school mate and good friend, Oscar and all the family, please accept my public condolences and may his soul rest in peace.

Mr. Speaker, as Minister of Culture, I also wanted to mention the unexpected passing of Allan Ortavio Myles, or affectionately known as Tabio. Many may know that he was considered one of the best drummers in the Cayman Islands. To his family, and especially his sister, Nuvia, who is the wife of the Deputy Governor, please accept my public condolences on the passing of your brother. May his soul rest in peace.

Thank you.

The Speaker: Thank you, Honourable Minister.
Honourable Leader of the Opposition.

Hon. Joseph X. Hew, Leader of the Opposition:
Thank you, Mr. Speaker.

Mr. Speaker, I rise to offer condolences on behalf of the official Opposition and the People's Progressive Movement (PPM) family to those who have lost someone over the last few months. As the Father of the House said, we have all felt the impact of the many, many passings that have happened over the last few months.

Mr. Speaker, I would like to say a few words about Morgan as well. That one hit home because we are so similar in age and have such history growing up together, along with his two brothers— all considered

very good friends, and Morgan, a dear friend and brother.

At the beginning of the school year, we spent the school orientation for our sons together. His son Hart is in the same year as my son. We laughed, we joked, he was so happy, things were going so well, business was going well and he was anticipating the arrival of his granddaughter. It really struck me, life was just perfect at that moment. We spoke again a couple of weeks later about business; he was trying to help me out with something. That was the nature of Morgan, always willing to help, always there for you and always there to listen. We were in a couple of chat groups, and if anyone ever had a problem, Morgan was one of the first to respond to say, "*How can I help?*"

Again, we want to say to Jocelyn; Hart; his daughter, Kelsey and her new baby, his new granddaughter; to Gene, our schoolmate and good friend; and to Oscar, that our thoughts and prayers continue to be with them.

Mr. Speaker, I'd like to offer condolences on behalf of the official Opposition and the PPM to Mr. Kent Eldemire's son, Curtis, another schoolmate. Our thoughts and prayers are with them. As you said, no matter where Mr. Eldemire travelled in the world— I remember him coming back from Australia and bouncing in, calling and saying he saw all these wonderful things in Australia that he thought would be so good for Cayman. It struck me that wherever he went, for however long he went, his heart was still here in Cayman and he was always looking for things to better the lives of our people and to better the Cayman Islands. He certainly will be missed.

To JC Calhoun's friends and family, again our condolences from the official Opposition and the Progressives family— because the Progressives could call him that, I think. The character of JC, [he was] one of the old-school, one of the good guys. The story from me was: it was around 1999, we were renting the MacDonald's property and we were approached by JC and he said, "You guys have to buy this." We said, "JC, we don't think we can do it." He would not stop. He could have put it on the open market, he could have made much more money in commission, because I think he even (unknown to us) may have taken a cut in his commission; but JC would not give up until my father, my brothers and I were able to buy that property. That's the way he was, old-school. The type of business [man] that we don't see any more.

He will certainly be missed by myself and my family, and we continue to keep them all in our thoughts and prayers.

The Speaker: Thank you, Honourable Leader of the Opposition.

The Minister of Sports.

Hon. Isaac D. Rankine, Minister of Youth, Sports & Heritage, Elected Member for East End: Thank you, Mr. Speaker.

I, too, would like to offer condolences to the families of all those who have been mentioned who have passed away since our last sitting. Mr. Speaker, there are two persons who stand out to me; one is Morgan DaCosta, a schoolmate of mine and lifelong friend. We spent considerable time at the Harquail Theatre when I was there doing the lights and the sound. I had many days to laugh. We cursed each other, we joked with each other and we were still friends.

Like the Minister of Border Control alluded to a short while ago, the last time I spoke to Morgan was at the tribute to another great person who made a significant contribution to our country culturally and from a heritage perspective, Mr. Dave Martins. That's the last time I spoke with Morgan, and we were supposed to get together to discuss some stuff over coffee.

Now, I'll segue into a song that Dave Martins did called '*That's Cayman*'. There was a portion in it when he speaks about Mr. Norberg's patty—a Jupiña and a beef patty—which was specifically because that's what Morgan told him he used to eat, so Dave integrated it into the song. Certainly, it was a shock to me when I got the news. I'm not too sure if I'm actually over it yet because we just had that kind of relationship. So, I want to offer my condolences to his entire family on his sudden passing.

Mr. Speaker, I would also like to mention my aunt, Ina Victoria Connor, who passed away peacefully on Wednesday, September 4th, at the young and tender age of 105, at the Golden Age Home in West Bay.

[Inaudible interjection]

Hon. Isaac D. Rankine: Yes, sir. That's the good East End sea breeze, sir.

She was a Christian woman who gave selflessly to the community of East End and to raising her family. She was dedicated to serving her church and she served diligently and with passion, especially in women's fellowship in Christian Endeavour. She was never one to shy away from sharing her belief in God.

I can picture her now, sir, she had a house located on the main road in East End with an east window that looked towards the church, and she never missed anything passing on that road—she never missed it; so if you did something wrong, that old-people network would get very active.

[Inaudible interjection]

Hon. Isaac D. Rankine: She also loved singing those Sankey songs. Songs like *What a Friend We Have in Jesus* and *Have You Any Room for Jesus?* I can never, ever, remember a time when I saw her angry, and she would probably have much to be angry about, all the children she raised, all the nephews and nieces that

she fed lunch to in her kitchen... She was a strong, resolute woman from the district of East End. I offer my condolences and may her soul continue to rest in peace.

The Speaker: Thank you, Honourable Minister.
The Honourable Member for Savannah.

Hon. Heather D. Bodden, Deputy Speaker, Elected Member for Savannah: Thank you, Mr. Speaker.

Mr. Speaker, the recent sad news of the sudden passing of a dear, special person, Morgan DaCosta, shocked us all a week ago. It is still surreal. I rise to offer heartfelt condolences on behalf of my family and myself to the DaCosta family on this huge loss. The communities of Savannah and Newlands are still in shock and it hit me very hard.

On Sunday morning, September 29th, I received the call and was told that Morgan had passed. He was someone very special who was extremely involved in everything community. The DaCosta family is a giving and well-loved Savannah family. Like Morgan's dad, the late Mr. Hartman Dacosta, and his late uncle Cardinal DaCosta, who were all nation builders ensuring they did everything possible to make the lives of others better, Morgan did just that. Our community was blessed to have Morgan, who followed in his father's footsteps; giving and making light of everything was his trademark. He was always the life of the party.

Mr. Speaker, I take this moment to send out heartfelt condolences to his beautiful wife, Jocelyn; his daughter, Kelsey; his son, Hart; his precious mom, Jeannie; his brothers, Gene Augustine and Oscar, and their families; his aunts and uncles; and to the DaCosta cousins, who considered Morgan more like a brother than a cousin. I'm going to miss him just like each of you will. May his sweet soul rest in eternal peace.

I also take this opportunity, Mr. Speaker, to send heartfelt condolences to the family of the late JC Calhoun. He was a dear and special friend to my family and me. My sister, Robin Hartmann worked for him for over 25 years. His wife, Addie, and his office staff; we feel your loss. I, too, mourn his passing. He loved big.

Also, to the Eldemire family of the late Mr. Kent Eldemire—another nation builder. Mr. Kent was loved, and we feel his loss as well. He and my dad were like brothers. To Curtis, Monique, their mom and family. My heartfelt condolences and thoughts and prayers are with all those who have lost loved ones recently.

I thank you, Mr. Speaker.

The Speaker: Thank you, honourable Member.
I recognise the Honourable Deputy Premier.

Hon. André M. Ebanks, Deputy Premier, Minister of Financial Services & Commerce and Investment, Innovation & Social Development, Elected Member for West Bay South: Good afternoon and thank you, Mr. Speaker.

I rise briefly to wholeheartedly associate myself with the comments that you made in relation to JC Calhoun, who was my constituent. He was all that you mentioned, and more.

I agree with the Leader of the Opposition that he was from the stock that completely assimilated into Cayman, and did everything in his power to benefit and advance Cayman.

I knew him to be a very blunt, outspoken person. Even when we debated the pros and cons of the COVID vaccine, about which he had very strong views, we always parted as friends even with the strongest of exchanges. That was JC.

I was troubled that I was unable to attend his service due to my travel schedule, and let his wife, his brother and his sister know. His brother let me know and reminded me that JC was about getting things done for the country. He said, *"If anybody would have understood your official duties, it would have been my brother, so don't worry about it; but thank you for your visit."*

In relation to Morgan DaCosta, I wholeheartedly agree with all Members of the House that that really shook all of us to the core; and my experience, just being overseas last week with his brother, Gene DaCosta, who is the Cayman Islands representative to Asia and was supposed to join me in Tokyo... I got the news from him directly.

As he sought to apologise for being unable to fly from Singapore, where he resides now, to Tokyo, I assumed that, as you know, Mr. Speaker, with official travel there are snags, hotel registrations that sometimes go awry or flights that are missed or delayed, and I assumed that Gene was calling me urgently for a mundane matter, only to discover the tragic news when he called. As I mentioned on the radio earlier this week, to show the measure and the stock that they come from, Gene's focus was more on not derailing the trip for me, than on where I thought he should place it, in terms of making sure he was laser-focused on getting home to his family. That's the DaCostas.

It shocked me, because three or four weeks ago, I had lunch with Morgan and two other business persons as they sought to advocate for a difficulty they perceived in the trade and business licence legislation. At that lunch, Morgan was the most vocal of the three and although he is gone, it has given me renewed passion—because I thought the point was valid—to make the amendment, regardless of him no longer being with us.

Last but not least, there has been a passing in my family. My father's brother, my uncle, John Sheldon, also passed away last week. He was the type of uncle that wasn't a father figure type, but more so the big-brother type. I share very fond memories. I think it hit my father hard because, to have his younger brother pass before him gave him a sense of his own mortality and life, as it transitions on. Rest in peace, Uncle John,

we will miss you dearly. I'm sure we'll have a fitting service in due course.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Deputy Premier.

I thank all Honourable Members for the very sincere condolences you've extended on your behalf and on behalf of your families and constituents. I do believe that they will be well received with gratitude by all of those who were closest to the deceased.

I wish to complete this session with a couple of verses from a poem called '*A Psalm of Life*' by Longfellow, which most Members here will know I love well. I think the words are timeless and are so suited to occasions such as this. Essentially, the poem reminds us to do what we can, while we can, while we are living and breathing. It talks about the legacy that we should all seek to leave, as we, one by one, too, depart this life.

*Life is real! Life is earnest!
And the grave is not its goal;
Dust thou art, to dust returnest,
Was not spoken of the soul.*

*Art is long, and Time is fleeting,
And our hearts, though stout and brave,
Still, like muffled drums, are beating
Funeral marches to the grave.*

*Lives of great men and women
all remind us we can make our lives sublime,
And, departing, leave behind us
footprints on the sands of time.*

We have today, at both ends of the spectrum, examples of the old saying that '*it is not the sickest who die the quickest or the strongest who live the longest.*' Ms. Ina was 105, prepared for the inevitable; Morgan struck down in the full stride of life, full of passion and energy and life itself. That reminds us all... it certainly reminds me, of how tenuous this hold on life we have really is; and that it serves us all well to do the best we can, to do the most we can, to be as kind as we can, while we have that ability, for none of us know when it will be our turn and our number will be called and someone will be eulogising us.

The Lord giveth and the Lord taketh; blessed be the name of the Lord. Amen.

I have been asked by the Honourable Minister of Tourism and Ports to provide him with an opportunity to make a brief announcement, following which I think we will take the luncheon break.

Hon. Kenneth V. Bryan: Thank you, Mr. Speaker.

The Speaker: I'm sorry; just one moment, Honourable Minister.

Madam Clerk, the other agenda items. I want to get through all of those before.

RAISING OF MATTERS OF PRIVILEGES

The Speaker: None.

GOVERNMENT BUSINESS

The Speaker: None.

OTHER BUSINESS

The Speaker: Honourable Minister.

Hon. Kenneth V. Bryan: Thank you, Mr. Speaker.

I am just honoured that you gave me the privilege to highlight a very important academic tournament, the KPMG Brain Bowl that is happening at the Hotel Indigo as we speak.

The KPMG Brain Bowl Tournament brings the brightest of minds together, young people from the various schools, to test their knowledge on things of life, general history, politics, and technology. I had the opportunity to go this morning on behalf of the Government and I'm quite blown away by their expansive knowledge field.

The schools involved are the Calvary Baptist Christian Church, Cayman Academy, Cayman Islands International School, Cayman Prep and High School, CF School, Clifton Hunter High School, Grace Christian Academy, John Gray, Layman E. Scott from Cayman Brac, Saint Ignatius, Triple C, Wesleyan Christian Academy, Year 12 Dual enrolment.

I wanted to take this opportunity to thank the organisers for putting this on, particularly Ms. DeAnn Blackman and the team at KPMG, for giving these kids such an awesome opportunity. For those of you who have the time today, the final rounds will be this afternoon after lunch. Congratulations to those kids again.

Lastly, Mr. Speaker, I want to take this opportunity to congratulate all the children from last night's John Gray graduation. It was truly an honour to watch them all take the next step on their educational journey. I am looking forward to retirement because, from what I see, I think our future will be in very comfortable and capable, educated hands.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Minister.

Honourable Members, we will now take the luncheon suspension. We will return at 3 p.m.

Proceedings suspended at 1:05 p.m.

Proceedings resumed at 3:52 p.m.

The Speaker: Good afternoon. Parliament is resumed.

When we took the lengthy luncheon suspension, we had completed all of the Government Business and the obituaries and, although today is Wednesday, I understand the Premier is inclined for us to proceed with Private Members' Motions.

Madam Premier, could I have an indication as to when Finance Committee is likely to meet?

The Premier, Hon. Juliana Y. O'Connor-Connolly: Thank you, Mr. Speaker.

Mr. Speaker, we had envisioned and planned for Finance Committee to convene at 9a.m. on Friday; but should it be the wish of your good self, and the will of the House, to sit until we conclude the Motions today, I can shift gears and come tomorrow.

The Speaker: Thank you, Madam Premier.

I think we'll have to play that one by ear, depending on how much debate ensues as a result of the Private Members' Motions. It is almost impossible to predict— sometimes they go through on the nod, but I see there is one to be moved by the Elected Member for West Bay West who is not the shortest man, I know.

[Laughter and crosstalk]

The Speaker: We'll see where we get to.

MOTIONS

PRIVATE MEMBERS' MOTIONS

Private Member's Motion No. 1 of 2024-2025 Removing the Restrictions on Stamp Duty Concessions for First-Time Caymanian Homebuyers

The Speaker: I recognise the Honourable Leader of the Opposition.

Hon. Joseph X. Hew, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, I rise to move Private Member's Motion No. 1 of 2024-2025: Removing Restrictions on Stamp Duty Concessions for First-Time Caymanian Homebuyers.

WHEREAS, successive Governments have supported a policy aimed at encouraging Caymanian homeownership by providing concessions on ad valorem stamp duty for Caymanians purchasing their first home or land;

AND WHEREAS, the Stamp Duty Act (2019 Revision) enshrines such concessions, and it has been amended and updated over time to ensure that the policy to encourage Caymanian homeownership meets the needs of the day.

AND WHEREAS, despite these provisions, the Stamp Duty Act has historically excluded properties in certain 'Blocks and Parcels' within West

Bay and George Town from qualifying for these concessions.

AND WHEREAS, the current restrictions unfairly prevent first-time Caymanian homebuyers from receiving the concession when purchasing property in designated areas in West Bay & George Town.

BE IT THEREFORE RESOLVED that the Government consider removing the arbitrary and inequitable restrictions on which properties qualify for concessions when Caymanians are purchasing their first owner-occupied home or first property.

The Speaker: The Motion has been duly moved. Is there a seconder?

The Honourable Member for George Town East.

Mr. Roy M. McTaggart: Thank you, Mr. Speaker. I rise to second the Motion.

The Speaker: The Motion has been duly moved and seconded. Does the mover wish to speak thereto?

Hon. Joseph X. Hew, Leader of the Opposition: Yes, thank you, Mr. Speaker.

Mr. Speaker, it shouldn't be too long as I think I've spoken to most Members in the House and seem to have received favourable response.

Mr. Speaker, the Motion calls for the Government to consider removing the restrictions on stamp duty concessions for Caymanians buying their first home or their first property. This restriction prevents first-time Caymanian homebuyers from accessing concessions if they wish to buy a home or a property in certain parts of George Town and West Bay. This includes areas in my constituency such as: Watler's Road, Eastern Avenue, Marbel Drive or Parkway, and certain areas of Esterly Tibbetts.

Mr. Speaker, I'll pass you these maps, which highlight most of the block and parcel numbers and it cover all along West Bay Road into South Church Street, central parts of George Town such as Goring Avenue, et cetera.

Can you make copies for the Members?

The Speaker: Honourable Leader, I'll have a quick look at them, but I was going to say that I think it's even more important that Members do. So, while you proceed with the balance of your speech, I will ask the Parliamentary Page to ensure that copies are made for every Member.

Hon. Joseph X. Hew, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, that map cuts just short of a couple of blocks along South Church Street. Successive governments, including the PPM Administrations, have

rightly recognised the importance of encouraging Caymanian home ownership. After all, home ownership is about more than a roof over our head; it's about stability, prosperity and our long-term security. It represents a stake in our country's future.

Mr. Speaker, expanding home ownership also has significant economic benefits. It stimulates growth, strengthens community stability and drives economic development, benefiting both individuals and the society as a whole. By helping more Caymanians achieve home ownership, we invest in a stronger, more resilient economy for the future.

Over the decades, governments have provided various programmes that support home ownership, like the Government Guaranteed Home Assistance Mortgage (GGHAM) Scheme, where the Government guarantees the mortgage down payment to a bank. There's also the '*Build on Your Own Property*' home ownership programme, in which the National Housing Development Trust (NHDT) will build a pre-approved home at affordable prices; and, of course, we have the NHDT's affordable homes, where homes are constructed and sold to qualifying Caymanians at a heavily discounted price. Mr. Speaker, none of these home ownership programmes have restrictions on property locations to receive the relevant benefits from the programme.

The first-time Caymanian homebuyer programme is aimed at Caymanians who are financing their own homes or buying property, but need a break on the duty the Government usually charges when a property is purchased or sold. May I say at this time, Mr. Speaker, that under the programme, the value of the property is also capped.

It also assists with second homes under certain circumstances and allows Caymanians to come together to buy property as an investment. Yet this programme excludes Caymanians from getting the benefits of the programme when purchasing properties in certain areas. Imagine, we have no restrictions on foreigners buying property anywhere on the island, but we have a restriction on Caymanians getting the opportunity to buy properties in certain parts of the Island.

Mr. Speaker, I will be the first to admit that these restrictions were missed when we made amendments to the Stamp Duty Act in previous years, but we now need to fix it. I suspect that decades ago, when these restrictions were included in the Act, there was, and I am sure, good intent behind them; however, despite the well-meaning intentions of legislators from years gone by, these restrictions are outdated and arbitrary today.

This exclusion is not just a technical matter, it directly impacts the dreams and opportunities of Caymanians who wish to own their first homes in these areas. Imagine if you will, Mr. Speaker, a young Caymanian couple wanting to buy their first home in the neighbourhood where they grew up, where their family and friends are, only to be told that they cannot receive

the same support that is available to others, simply because of where they want to live. This is unfair and unjustifiable. It creates an inequitable system whereas some are arbitrarily excluded from the very support meant to uplift our Caymanians.

Mr. Speaker, we had a circumstance in Water's Road, known as Dog City, where a family member finally convinced the remainder of the family from the estate to sell him the home— which was in a dilapidated condition and is now fixed-up and looks beautiful; but was then faced with the full force of the stamp duty regime.

Imagine Eastern Avenue, there is a family I'm working with now who is trying to get the family estate sorted. The gentleman is well in his seventies and has never owned a property and if he gets the estate sorted, he's going to be faced with the full force of the stamp duty regime. Imagine a young lady who realised her dream and found a fixer upper in Britannia that fell within the values of the first-time Caymanian stamp duty concession, only to go under contract with the purchase to then find out that she cannot afford the stamp duty.

The restrictions currently in place, Mr. Speaker, are remnants of a different time and context, and they no longer serve the best interest of our people. If we aim to truly encourage Caymanian home ownership, we must do so without imposing unnecessary barriers that make the dream of owning a home out of reach for some.

The Motion before us, Mr. Speaker, calls on the Government to consider a move in these restrictions, restrictions that are outdated and inequitable by today's standards. This common sense measure will help level the playing field for first-time Caymanian homebuyers allowing them to access the same concessions regardless of where in the Cayman Islands they choose to live or invest. By supporting this Motion, we take a step towards ensuring that all Caymanians have equal opportunities when purchasing their first home.

It is about removing barriers, creating opportunities, and building a Cayman Islands where everyone has a chance to thrive regardless of their background or location. Therefore, Mr. Speaker, I urge all Members of this honourable House, in particular the George Town and West Bay Members, to support this Motion.

Let us all act in the best interest of our people. Let us remove these restrictions and make the dream of home ownership a reality for more Caymanians.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Leader of the Opposition.

Does any other Member wish to speak?
[Pause] Does any other Member wish to speak?
[Pause]

The Honourable Premier.

The Premier, Hon. Juliana Y. O'Connor-Connolly:
Thank you, Mr. Speaker.

Mr. Speaker, I rise on behalf of the Government to provide the Government's response to Private Member's Motion No. 1, moved by the Honourable Leader of the Opposition and seconded by the former Leader of the Opposition.

Mr. Speaker, the current stamp duty concessions to Caymanians purchasing either their first or second properties are being done by the Commissioner of Stamp Duty [The Minister of Finance], pursuant to a policy which was expanded by Cabinet and approved in 2023 by virtue of section 20(6) of the Stamp Duty Act. As a result of the said expansion, Mr. Speaker, there were noteworthy stamp duty concessions on raw land and developed residential property for the purpose of first-time and second-time immoveable property.

Mr. Speaker, Caymanians purchasing their first property are eligible for either a full abatement of stamp duty or a reduced stamp duty rate based on the type of property, whether it's raw land or developed residential property, and the market value and purchase price of the property within a given threshold or dollar value. There are also concessions, Mr. Speaker, for Caymanians purchasing their second property where the lower stamp duty rates may be afforded dependent on a particular criteria.

Mr. Speaker, just for the record, there is a full waiver of stamp duty for raw land up to values of \$250,000 and developed residential property up to \$550,000.

For two to ten qualified purchasers, the value is \$450,000 for raw land and \$600,000 for developed residential property. Reduced rate on duty for the difference in value between the first and second [property] is 3.75 per cent.

Values between \$250,000 to \$350,000 on raw land, \$550,000 and \$650,000 for developed residential property; and for two to ten qualified purchasers, the value for raw land is \$450,000 to \$550,000, and for developed residential property it is \$600,000 to \$700,000.

For the second property purchase, Mr. Speaker, the reduced rate of 3.75 per cent on raw land is \$300,000, which is \$50,000 more than what it would be for the first one. The developed residential property is \$600,000; and for two to ten qualifying purchasers, the value is \$550,000. For developed residential property (which is land with development on it) it's up to \$700,000.

Mr. Speaker, as the Honourable Member spoke to, the Stamp Duty Act currently excludes properties in certain blocks from qualifying for stamp duty concessions and they are actually numerous: 5D, 10A, 10E, 11B, 11C, 11D, 12D, 12E, 13B, 13C, 13E, 14BG, 14BH, 14BJ, 14CJ, 17A, 18A and OPY plus. Also, 5C and 12C where the parcel has water frontage or is derived in the future from a parcel which has water frontage from 1st July, 2006; and 13D where the parcel has road frontage on Eastern Avenue. I think the Member

alluded to some of those in his contribution. We also have 13EH where the parcel has road frontage to West Bay Road, Eastern Avenue and North Church Street. Further, Mr. Speaker, the current stamp duty concessions do not extend to properties and commercial zones within the district of George Town.

Mr. Speaker, it should be noted that many of the excluded areas mainly consist of higher valued properties. Based on historical trends when I looked at it, the Lands and Survey Department forecast the possible loss in stamp duty that would otherwise be payable— should this not be changed, if the Motion is accepted and actioned— is estimated to be between CI\$1.4 [million] and CI\$3.8 million per annum, assuming that potential purchasers meet the other prerequisites and the threshold criteria.

Mr. Speaker, based on the trends noted by the Lands and Survey Department, the purchases in the current exempted areas typically exceed the value threshold in most of the cases. Also, we heard from the Honourable Leader of the Opposition that they were individual specific cases that had been brought to his attention.

As such, Mr. Speaker, we believe, on the Government Bench, that removing the location exemption on these defined areas may not see the benefits hoped to accrue to our aspiring Caymanians for the first-time home owners. Nevertheless, Mr. Speaker, based on the estimates of the potential revenue—

I beg your indulgence.

[Pause]

The Premier, Hon. Juliana Y. O'Connor-Connolly: Thank you for your indulgence, Mr. Speaker.

Mr. Speaker, as I was saying, based on the estimates of the potential revenue to be foregone from a change in the stamp duty concession policy to not exclude inner properties, the Ministry of Finance advises that this change in policy would have a minimal impact on the overall Government's financial performance and position.

Mr. Speaker, I think we ought to make it abundantly clear that there are no restrictions for Caymanians owning property in any part of the Cayman Islands. The restrictions that currently exist refer to Caymanians not being able to obtain a stamp duty concession; it is a fine line, but it is a distinct difference.

If the Caymanian chooses to buy a property in certain areas of Cayman, that's when this restriction that the Honourable Leader has brought to our attention, which obtains and is hurting some Caymanians, exists. I, therefore, want it to be clearly known that Caymanians and non-Caymanians alike are free to own property anywhere within the Islands but with the exemption that currently exists, there is, in my respectful view, a financial bias.

Mr. Speaker, in conclusion, the Government's position is that we take due note of the Mover's very

important and timely Motion, and the Government will take it under active consideration.

I thank you, Mr. Speaker.

The Speaker: Thank you, Madam Premier.

Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

The honourable...

Mr. Roy M. McTaggart: Former.

The Speaker: Member for George Town East.

[Laughter]

Mr. Roy M. McTaggart: Thank you, Mr. Speaker. A light-hearted moment.

Mr. Speaker, as the Seconder of this Motion, I rise to support it wholeheartedly.

Though I'm delighted to hear that the Government agrees to take this under consideration, I have a few observations to make in support of the Motion as, like the Mover has noted, it is a matter of fairness and equal opportunity for all Caymanians.

To us, the restrictions we are discussing today are not merely inconvenient, but actively prevent otherwise qualified Caymanians from accessing the stamp duty concessions available under the law when purchasing their first homes. These restrictions are based solely on location affecting, as the Mover pointed out, Eastern Avenue, West Bay Road, North Church Street [and] other parts of George Town— places where many of our people have longstanding connections, and many wish to live.

Mr. Speaker, during my own term as Minister of Finance I recall that there was at least one occasion when a request came in asking me to exercise my discretion in waiving stamp duty for a piece of property being sold in, I think it was part of Block 13, which was right behind the Merren Plaza on West Bay Road in the Watler's Road area.

Mr. Speaker, this issue goes beyond location. It's about the fundamental right of Caymanians to benefit from the same support that others received. Yet they can be, and are denied the support, simply because of where they wish to buy a home, even if it's in the very neighbourhood they grew up in, surrounded by family and friends. Caymanians who meet every other qualification should not be penalised because of an arbitrary restriction tied to geography, and I think that is the crux of the matter with regard to this Motion being brought by the Leader of the Opposition.

Mr. Speaker, home ownership is one of the most essential ways individuals and families can build stability, wealth, and a sense of belonging. The opportunity to own a home should not depend on whether a Caymanian chooses to live on one side of the street or the other. These outdated location-based restrictions

are barriers standing in the way of hardworking Caymanians, and I think that removing them will open the door to a more equitable future for some of our people.

Mr. Speaker, my view is that these restrictions are relics of a bygone era. They no longer reflect the realities of modern Cayman. The neighbourhoods affected by these rules are not exclusive or out of reach. In fact, they are home to many of the very people we represent. People who deserve the same opportunity to benefit from stamp duty concessions as anyone else in the country. In supporting this Motion, we address more than an otherwise nondescript section of the law. We are levelling the playing field and ensuring that all Caymanians, regardless of where they choose to live, can access the support they need to achieve home ownership.

Mr. Speaker, I urge all Members of this honourable House to support the Motion. By removing these outdated restrictions, we will give more Caymanians a chance to own their homes, build their future and invest in their communities. Supporting the Motion is about removing unnecessary roadblocks and empowering our people to achieve the dream of homeownership; a dream that should be within the reach of all of us.

I thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

The Honourable Minister of Tourism and Ports.

Hon. Kenneth V. Bryan: Thank you, Mr. Speaker. I'll be rather quick.

Though the Honourable Premier has already opined on it, we welcome the Motion, but we think it's important to let this honourable House note for the *Hansards* that this policy was not put in place during this Administration. We, too, are minded that there should be equal opportunity for all Caymanians, and we will make the necessary considerations.

Mr. Speaker, while the Honourable Member was on his feet I was trying to find out the exact dates and which administration it transpired under but fell short of time. I don't think it's important to go over that now but, more importantly, to go forward and find a solution.

As the Honourable Premier has said, we will consider [it], and hopefully be able to come back within short order with positive changes that will affect all the people of these Islands.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Minister.

Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

The Honourable Deputy Premier.

Hon. André M. Ebanks, Deputy Premier: Thank you, Mr. Speaker.

I want to add a brief contribution. I thank the Opposition for the Motion. I was relieved when we discussed it in Caucus talking to the Premier, because, although we made additional enhancements in 2023, we acknowledged when we talked internally, that there is scope to do more.

In May of this year, I had the honour to act for the Premier as Minister for Finance; and you see the requests come in. There are some heart-breaking examples. So I rise, Mr. Speaker, to maybe add a bit of reiteration on the human toll, because this is one of the things that cause angst in our young people. They have done what we've told them to do, they've gone overseas, got their qualifications, they've got their good job, and yet they fall short in their loan packages from a bank; and with just a little bit of a break, they could get onto the property ladder. Without that additional flexibility from their own home government, they feel frustrated, displaced, they feel that they have done everything that we have asked them to do, and now, instead of going to other jurisdictions and actually coming home and bringing that brain power home, they just ask for a little bit more flexibility. That could not just lower the temperature of the angst that I think young people, in particular, feel, but inspire them and others behind them, to come and take our places.

I think, as the Leader of the Opposition alluded to, none of us were around when the policy was first crafted, but I would imagine that in some of these areas the thought might have been, *if you can afford to buy in that area, you should be able to afford the stamp duty*. I imagine, but in this day and age, with property prices as they are, some of those that were coming across our desk are, in our purview, middle class areas. It's just that the price is just so high, that I think, if that was the prior historical rationale, it just no longer holds true.

I'm relieved that there is agreement on our side, and I think it is a good point for the House to work together on to offer a bit more flexibility; and I agree with the wording of the Motion, that some of the restrictions, at this point, feel a bit arbitrary, which is why we made some of the changes in 2023, but I think there's scope to do a bit more.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Deputy Premier.

Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

As no other Member wishes to speak, I invite the Honourable Leader of the Opposition to exercise his right of reply.

Hon. Joseph X. Hew, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, let me first thank those Members who have spoken. I thank the Seconder of the Motion, the Member for George Town East for his support and for seconding the Motion.

Let me also say to the Honourable Minister of Tourism, that I did say in my contribution that this policy has been in place for quite some time and was overlooked when we brought amendments to the Act during our administration. By no means am I pointing any fingers. I think if my memory serves me, this goes back to when there was a tiered stamp duty regime where you started at 9.5 [per cent] at a certain area, and it went down. I think that had some negative effects on the economy and eventually went to where we had one standard stamp duty across the board.

Mr. Speaker, let me thank the Honourable Deputy Premier for adding the human side to it. What do you tell those young people when they are trying and trying? Can you fault a Caymanian for wanting to live closer to town; for wanting to live near all the activities if you grew up on South Church Street, North Church Street, Parkway or Snug Harbour; all these places where Caymanian families are? That you can't find anywhere near to what you're accustomed to living in because it is just out of your reach by that much, and because it's in that area, you do not have access to government programmes that will assist you in realising your dream of owning a home in your desired location? Why would we ever want to exclude or take away that opportunity. We should do everything that we can to help uplift our people.

Mr. Speaker, I want to thank the Honourable Premier for her indication that the Government will consider the Motion and for her clarification, because I got a little carried away when I said that we were restricting Caymanians from owning in certain areas. I certainly did not mean that, I should have been clearer; where we are removing the concessions that are available to Caymanian first-time homeowners based on where they are desiring to live.

I think that time will show, Mr. Speaker, much of the area included OPY, North Church Street, [and] the Goring Avenue area. We saw a development that failed planning approval, but it was a high rise apartment complex. Not all Caymanians want to have a house and a yard now, not all Caymanians want a big family—can't afford one. You can't afford landscaping, can't afford a pool. West Bay Road on the beach? If someone gave me a condo, I would try to sell it before the first strata bill came because I can't afford the strata bill; but if I could get a little one bedroom apartment in a 10-story building in George Town when that time comes around, for the value, I'd take it.

Many of us are sending our kids to the UK, city living. They're going all over the world living in cities, getting used to living in cities, getting used to public transport—things that we need here. This is the future. We talk about sustainability, we can't just keep having quarter acre and half acre house lots and expect that

we will be able to accommodate all of our people. To think that we will be able to have a real estate market that Caymanians will be able to buy, to find a home, to find a little something to call their own rather than renting a little something that's not even theirs.

Mr. Speaker, I won't take up any more time but to say, thank you to those who spoke and thank you to the Honourable Premier and the Government for their consideration of this Motion.

May God bless you all.

The Speaker: The question is:

AND WHEREAS current restrictions unfairly prevent first-time Caymanian homebuyers from receiving the concession when purchasing property in designated areas in West Bay and George Town;

BE IT THEREFORE RESOLVED that the Government consider removing the arbitrary and inequitable restrictions on which properties qualify for concessions when Caymanians are purchasing their first owner-occupied home or first property.

All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: I believe the Ayes have it.

Agreed: Private Member's Motion No. 1 of 2024-2025 passed.

The Speaker: Madam Premier, by my watch we have passed the hour of interruption. May I invite you to suspend Standing Order 10(2) in order that the business of the House may continue beyond the hour of interruption?

Suspension of Standing Order 10(2)

The Premier, Hon. Juliana O'Connor-Connolly: Thank you, Mr. Speaker.

I move that Standing Order 10(2) be hereby suspended to allow the business of the House to continue beyond the hour of 4:30 pm.

The Speaker: Thank you.

The question is that Standing Order 10(2) be suspended in order that the business of the House may continue beyond the hour of 4.30.

All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: I believe the Ayes have it.

Agreed: Standing Order 10(2) suspended.

**Private Member's Motion No. 2 of 2024-2025
Motion to Expunge Criminal Records**

The Speaker: I recognise the honourable Member for Bodden Town West.

Mr. Christopher S. Saunders: Thank you, Mr. Speaker.

Mr. Speaker, I rise to move Private Member's Motion No. 2 of 2024-2025—Motion to Expunge Criminal Records, which reads:

WHEREAS the Parliament has the responsibility to make laws for good government;

AND WHEREAS factors of good government include adapting to shifts in societal attitudes, political consensus, as well as equity and fairness;

AND WHEREAS many countries around the world have decriminalised or intend to decriminalise the possession and use of cannabis subject to various criteria being met;

BE IT THEREFORE RESOLVED that the Government considers amending the Criminal Records (Spent Convictions) Act (2018 Revision) to make a provision for the expungement of the criminal convictions of those convicted for offenses pursuant to the Misuse of Drugs Act (2017 Revision) specifically in relation to possession of cannabis for an amount equal to one ounce or less for personal use.

The Speaker: The Motion has been duly moved. Is there a seconder?

Hon. W. McKeeva Bush: Mr. Speaker.

The Speaker: I recognise the Honourable Member for West Bay West.

Hon. W. McKeeva Bush: Mr. Speaker, I rise to second the Motion.

The Speaker: The Motion has been duly moved and seconded. Does the honourable Member wish to speak thereto?

Mr. Christopher S. Saunders: Yes, Mr. Speaker.

Mr. Speaker, thank you very much. I think the Motion itself is pretty straightforward, but I want to start off by thanking you, Mr. Speaker, because, as I looked at the Criminal Records (Spent Convictions) Act (2018 Revision) I noticed it was originally enacted in October, 2016, which means it was something that came in under your leadership as Premier. I also noticed that since then, there has been one change to it, which was in March 2017 which, again, was under your leadership.

A good thing about democracy, Mr. Speaker, is that, as society's attitudes change, we as legislators, have to adapt to these changes. I recognise that the

Act that was passed recognises that we are about giving people second chances— something that the Act made clear. I want to read section 4 of the Act that basically says: **"The primary object of this Law is to implement a scheme to limit the effect of a person's conviction for a range of offences if the person, having served that person's sentence, subsequently completes a period of crime-free behaviour and on completion of that period, the conviction shall be regarded as spent and, subject to some exceptions, a person is eligible to apply for the expungement of that criminal record"**.

Mr. Speaker, the Act itself is very clear, in terms of what the intention is. If you also look at section 14 of the Act— just to sum it up for Members and the listening public, rather than go through the entire Act, which is actually quite detailed— in essence, the Act recognises that there will be mistakes made by people, and they can apply to have those mistakes corrected. In some cases, the Act also sets out the crime-free period in which they can apply to have their record expunged or, in simple layman's terms, cleared.

Something I looked at with regards to the possession of marijuana, is that the Act says that after five years of a conviction with no repeat [offences] a person will automatically get an expungement. Section 14 of the Act also allows that if a person doesn't want to wait five years, they can apply for the Board to consider it before the five-year period.

What the Motion is asking for, is basically, rather than having the automatic five years set in stone— and recognising that people can apply before then— is that we look at what the automatic period should be. I'm thinking somewhere around two years is reasonable but, again, I left it blank for Members to decide what they think would probably be best.

Mr. Speaker, I must admit that this is not something I campaigned on, but I know that for other Members in this honourable House the issue of cannabis or marijuana, or "No Weed, No Vote", [or] whatever, was part of the last election. I think there is some consensus among us, at least a majority of us, recognising that, at least for people within our society, once this conviction stays on their record, it's very difficult for them to even apply for a US visa, in some cases jobs, et cetera.

Like I said, while they can apply before the five-year period, and that would be at the discretion of the Board, I think it gives us an opportunity to send a message that says, *You know what, we think this is something that should be expunged off someone's record after two-and-a-half or three years*, as opposed to waiting for the five years, or for it to be discretionary. As it stands right now, the Act does allow much; but in a nutshell, what I'm asking for is to have the period reduced from five to maybe two or two-and-a-half years— something like that— to make the expungement automatic.

Also, while the Motion didn't limit one ounce of ganja, I did note it there because, at the end of the day,

Mr. Speaker, we still need to have some level of deterrence. I mean, smoking itself is bad for someone's health and, regardless of what people's views are on the use of cannabis or marijuana or ganja, at the end of the day, we also need to protect our young children from things that can probably impact their health in the long run.

I have my own personal views on the use of marijuana. I don't encourage anyone to take it, I don't encourage my kids to smoke ganja nor anyone's kids to do so. At the end of the day, I recognise that is my personal view and other people are entitled to theirs; but at a minimum, while people make mistakes along the way, as a society we still need to recognise that we need to give them a chance to fix certain things.

This issue, has been popping up on and off my radar for quite some time, Mr. Speaker, but a few weeks ago, I met a mother at an event and she told me what her two sons went through, during that period before they could get their record expunged; it really hit home to me with regards to young people not being able to access further education opportunities, job opportunities, et cetera. In a nutshell, her sons' lives were a living hell and at that point I said, *"You know what, it's probably time for us to do something about it"*. Mr. Speaker, I really want to thank the Seconder of the Motion, the honourable Member for West Bay West, for doing this.

I recognise that the Government is bringing a Referendum Motion to decriminalise ganja, which is something that they're looking to take to the public at the next general election; I welcome that. I also have to recognise that there have been Members of this honourable House who, for quite some time, have been pushing for this issue to be dealt with, and I want to recognise the Member for West Bay North. I know it is something he has been campaigning on for quite some time.

I know that even the Premier herself touched on this issue during the last election. I recognise that the Government is looking to move a Referendum to deal with this, but for those who are convicted right now, and have this issue on their record—and have opportunities limited to them as it is—I think it would be a step in the right direction if we can at least give them this reprieve. Outside of that, Mr. Speaker, I think it's pretty straightforward and I will save any contributions for when I wrap up.

Thank you, Mr. Speaker.

The Speaker: Thank you, honourable Member.

I recognise the Honourable Acting Deputy Governor.

The Acting Deputy Governor, Hon. Eric Bush, ex officio Member responsible for the Portfolio of the Civil Service: Thank you, Mr. Speaker.

On behalf of the Government, I can indicate that section 14 of the Criminal Records (Spent Convictions) Act already contains specific rules to allow for the expungement of convictions for minor marijuana offences, such as: simple possession of cannabis, consumption of cannabis, and possession of pipes and utensils used for consumption.

There are various criteria which must be met before expungement can be granted under that section of this Act:

1. The person must apply to the Expungement Board;
2. The person must have been sentenced to a fine or community-based order; and
3. The person must have paid the fine and otherwise completed sentence.

If these conditions are met, the expungement procedure is essentially automatic, Mr. Speaker, provided that the crime-free period has been satisfied.

Mr. Speaker, I should add that section 14 of the Act does not include a limit of the amount of cannabis possessed before an offence of possession can qualify for expungement. This means that the offence should qualify for potential expungement, whether the amount was more or less than one ounce, as long as the drugs were for personal use only, and the sentence imposed was either a fine or a community sentence.

However, Mr. Speaker, it should be noted that section 42 of the Act currently limits the number of expungements from which an offender may benefit to two. This means, that if a person is successfully prosecuted for consuming or possessing cannabis for more than two occasions, the only way they may avoid a further conviction if they are charged and convicted for a third time, is through referral to the Drug Rehabilitation Court on the basis that they are dependent on drugs. If they are referred to the Drug Rehabilitation Court, and they comply with the requirements imposed by the Court to help them overcome their dependency, they will still be able to avoid a further conviction under section 4(9) [sic] of the Drug Rehabilitation Court Act (2015 Revision).

Mr. Speaker, I should add that the Criminal Records (Spent Convictions) Act (2018 Revision) has been referred to the Law Reform Commission for a detailed review following advice from the Attorney General's Chambers. The Act would benefit from such a review in a number of areas. The referral was duly accepted by the Commission, which has undertaken preliminary work on the matter and will continue to advance this important work.

Mr. Speaker, now, if you'll allow me to explain the function of the Expungement Board over the last three years as it pertains to convictions of minor marijuana offences. In the last three years, the Expungement Board has received 88 applications of which:

- 67 were immediately expunged;
- 15 were not eligible under the Act;

- 2 convictions had become spent under the previous law; and
- 4 were deferred.

Mr. Speaker, if you allow me, deferral usually happens when there are other pending charges at the time of the application. However, rather than refusing the application, the Expungement Board defers it, to determine what the outcome of the charges will be.

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Honourable Acting Deputy Governor.

Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

I remind Members that the Standing Orders say a Member shall stand in his or her place. My eyes are getting dim as I age; I need to see you.

Honourable Minister of Labour.

Hon. Dwayne S. Seymour: Thank you, Mr. Speaker.

Mr. Speaker, I rise to give a contribution— I almost had to, because I am proud to stand here as the person who brought the Motion in 2012 that caused the expungement law to come about, possibly some 14 years ago.

Mr. Speaker, at the time, the *Cayman Compass* did a story on the Motion that I brought, and if you don't mind... It's a public document—

The Speaker: I think, though, for the record, that 2012 would have been 12 years ago, not 14.

[Laughter]

Hon. Dwayne S. Seymour: Yeah, 2012 was in 2012.

[Laughter]

Hon. Dwayne S. Seymour: Yeah. I thank you for the help.

Mr. Speaker, the article in the Caymanian newspaper at the time said: **“Member of the Legislative Assembly [as it was at the time] Dwayne Seymour said Friday that too many young people in the Cayman Islands are paying too high a price for their first criminal offences. ‘Criminal records often prevent them from finding work, particularly as more people vie for a smaller pool of positions,’ Mr. Seymour told the Legislative Assembly as he introduced a private members motion that seeks to change the Rehabilitation of Offenders Law.**

“Mr. Seymour said he was seeking legislation in the Cayman Islands similar to that proposed in 2009 by United States Congressman Charlie Rangel. Mr. Rangel’s Second Chance for Offenders Act permits the expunging [or clearing] of records

for individuals convicted of a first, non-violent offence as long as they fulfil all requirements of the sentence set by a court, remain free from dependency or abuse of alcohol and controlled substances for a minimum of one year, obtain a high school diploma or equivalent and complete at least one year of community service.

“‘It’s not just a situation where we’re saying ‘you made a mistake, no problem. We will expunge this, go make another mistake’, Mr. Seymour said. ‘Sometimes offences are left on record for five years, seven years depending on what it is. We don’t want a person to wait for five years or seven years to find employment again. We’re talking about offences that you don’t even go to prison for.’”

Mr. Speaker, I want to note that some of the reasons why I thought about bringing this Motion forward in 2011, were that many people came to meet with me. Many young people could not attend university, couldn't get jobs, and couldn't travel with their families, and looking at the juvenile or teenage suspects in the Cayman Islands, the criminal offences had doubled in 2011. Some of the more violent crimes blamed on those young offenders increased sharply. According to the records, in 2011, there were 307 offences committed by individuals between the ages of 11 and 18 years old; in 2010, that number was only 150 offences. The vast number of suspects were male. Out of 77 people convicted in 2011, 62 were young men, 81 per cent of those convicted.

Mr. Speaker, I heard the honourable Member on the Government side's contribution, in terms of what we have now is adequate— and I want to respect it. However, I want us to continuously look at this Act to ensure that we are not missing anything, because we've got many complaints from persons who apply to this Board who are just not getting through and want to get on with their lives.

I thank the Member for Bodden Town West, and the Seconder for West Bay West, for bringing this to light again to ensure that we have equity and fairness in this process, and that we continue to review all that's happening around this and try to ascertain how many people are being affected by not [being] given the opportunity to have their convictions expunged. We need to understand the magnitude of it.

Mr. Speaker, albeit I support what the Member for Bodden Town West has brought forward, I yield to the Government's comments.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Minister. Does any other Member wish to speak? [Pause]

The Honourable Leader of the Opposition.

Hon. Joseph X. Hew, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, I rise to give brief comments on Private Member's Motion No. 2.

I listened carefully to the Mover of the Motion and as I understand it, he is aware of what avenues are available to persons now, but he feels that there should be a bit more discretion, or at least a shorter crime-free period after which persons can apply for the expungement of convictions for small amounts of cannabis.

Mr. Speaker, I say that because it's actually not written in the Motion but I understand what the Mover of the Motion is trying to achieve and, as representatives, we all have experiences with these sorts of situations. I also understand that the Courts have the ability, when young people come before them, to provide judgments that would not create barriers for our young people to get a visa, student visa, et cetera; but Mr. Speaker, not everyone has the ability to get a lawyer or have someone to speak for them, or a family network to support them in these instances.

Mr. Speaker, I was happy to hear from the Acting Deputy Governor. I think I heard him right, that the Law Reform Commission had recently done a review of the Expungement Act. I assume, then, that there will be a review done by the Government, because I do believe that enough time has passed since the Act was enacted—as we all know that there is no perfect legislation—that we can now have a look at it and see where there are discrepancies and issues. Times have changed, as both Members, I think, have made mention of, in particular, in the way in which we as a society now look at cannabis.

Whilst again, just like the Mover of the Motion, the Member for Bodden Town West, I am not a proponent of cannabis—I never did and never will—but that doesn't preclude the fact that society has changed its views on the use of cannabis. Our young people are exposed to it every day. They're exposed to it in school. They're exposed to it every time we say goodnight to them as we drop them off to the movies or something like that. We cross our fingers and we say a little prayer, but we know they're going to be exposed to these things, and all we can do is to speak to them. We can try to lead by example, and we can pray, and we can pray, and we can pray, but it doesn't mean that they won't, in a weak moment, make a wrong decision.

Mr. Speaker, I have a situation: A young man—and I hope he watches this later tonight—who I guess I could say that I mentor a little bit but sometimes it feels like he just uses me as an opportunity to vent to someone. When he gets angry, he vents to me and that's okay, because the young man made some bad mistakes early in his life—very, very early in his life and a near-death experience in a car accident changed his life; completely turned it around. He now works in government and has held a steady job for about six years. He's a productive member of society.

If you saw him out, you know, you would never think that he got into the kind of trouble that he got into many years ago, but the period of time to expunge his

convictions is 12 years, I think. He's actually in need of reconstructive surgery from his accident and cannot get a visa to travel to get it. It's heart-breaking and when he gets frustrated and messages me and expresses his frustration, I feel it. So I think it is time that we have a look at it. I think the Board needs some ability to have a bit of discretion, or there need to be other opportunities for young persons like that, who can clearly demonstrate that they have changed.

When we put persons in prison today, or when we sentence someone, we have gone away from the sentencing or the incarceration as being a punishment. It should be a rehabilitation period, a rehabilitative effort. So, when someone has done their sentence, but has also proven, through their actions over a period of time that they are now rehabilitated and are now constructive and positive contributors to our society, the Board should have the ability to look at that evidence and, perhaps, lessen the period of time.

The Opposition, in principle, has no real issues with the Motion as it is. I was happy to hear from the Government that there had been a review and I look forward to further reviews and perhaps some amendments coming to the Parliament in the near future. Like I said, there is no perfect law, and I think this particular Act has had enough time in action that we can identify any issues or shortcomings we may have missed when the Act was first drafted.

With those few words I say thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Leader of the Opposition.

The honourable Member for West Bay North.

Mr. Bernie A. Bush, Elected Member for West Bay North: Mr. Speaker, when this Bill was passed, we thought it would help—and it has in some cases—but there seems to be much unnecessary red tape. I've had young people come to me with a paper in their hand signed by the Deputy Governor saying that it's clean, but yet the "records people" refuse to give them a clean record. These are things that we have to look into. I've always supported the Bill, whether it has to do with cannabis or otherwise—wiping clean after people have proven themselves.

Why I campaigned on this, Mr. Speaker? There is a 62-year old man in West Bay who got in trouble for a spliff at the age of 19. At the age of 52, when he had a heart attack, he could not be taken to the United States because of something that happened when he was 19 years old. That was one of the reasons I supported this when it came here, and I campaigned on it.

Shorten it to two or three years, once you talk it over with the Attorney General and those people. Anything to help our people, because too many young people can't get jobs because of a simple mistake they made. It is not only to do with a spliff; there are other things they have done when they were young that they

realised were wrong, and have repented. They have shown they can do it, so I will be voting for it.

The Speaker: Thank you, honourable Member.

Does any other Member wish to speak?

[Pause]

The Honourable Premier.

The Premier, Hon. Juliana Y. O'Connor-Connolly: Thank you, Mr. Speaker.

Extremely briefly because of the lateness of the hour and history will show that I am not one to speak only to speak. Let me preface right up front.

Suffice to say, Mr. Speaker that the Government has duly considered the Motion, and we concur with the sentiments so eloquently expressed by the Acting Deputy Governor. We recognise that the resolution does ask the Government to consider and we take that against the background that section 14 already allows for the five-year automatic expungement and two-year discretionary expungement.

I think what is probably foremost in our minds is that there is a referendum. The Motion has been passed, and I won't anticipate my debate, but the Bill is due to come in the next Meeting to be dealt with, which will probably be the first or second week of September [sic], when the people can have their say and it will be a fully consultative democracy, with the exercise of their right in the 2025 election.

The Honourable Attorney General also confirmed that the Law Reform Commission is reviewing the law. As Lord Denning said, "*The law is an A-S-S.*" This law is no exception to what he said many, many years ago in 1932, which you're more than familiar with, I suppose, Mr. Speaker, having studied at the same legal institution, and did quite well yourself, if I may say so.

To be fair, the Government has nothing to lose, really, by using this as one of the assumptions in its considerations; but to say that we are already in the act of doing it and we will be accepting the Motion. For us to get up and say, *No, we're not going to accept it*, Mr. Speaker, when we know that we are doing it, would be kind of an oxymoron. So, in the interest of peace and brevity—and sisterhood and brotherhood (*and that is probably a Juliana terminology*)—the Government will accept it this afternoon.

The Speaker: Thank you, Madam Premier. You were in full flight so I didn't want to stop you, but I don't think you meant the next Sitting in September.

[Inaudible interjection]

The Speaker: December.

The Premier, Hon. Juliana Y. O'Connor-Connolly: Oh, absolutely, Mr. Speaker. That's the third Freudian slip. The next Sitting in September I'll be doing what you also like to do—farming on The Bluff, sir.

[Laughter]

The Premier, Hon. Juliana Y. O'Connor-Connolly: It's December, most definitely.

The Speaker: Okay. My eyes are going but my hearing is improving.

[Laughter]

The Speaker: The Honourable Minister of Tourism and Ports.

Hon. Kenneth V. Bryan: Thank you, Mr. Speaker. It's good to have gentle laughter in these late hours.

Mr. Speaker, without the effort of repeating what other Members have said, obviously you've heard our Premier say our position with respect to the Government's viewpoint. Just to add more context to the conversation, I think it's interesting to consider the world we live in today, particularly from a social media perspective.

What I'm getting at, Mr. Speaker, is the provision of a record—when developed many, many hundreds of years ago in the commonwealth system—was to inform those within our society, [about] the persona or the characteristics of an individual, in a time when technology was not as advanced as it is today. Regardless, if there was no record of these crimes available, I dare say you can't hide who you are or what you have done, anymore. That's a good thing, but it could come with some difficulties.

I think the intent of the Mover of this Motion is to not make it any more difficult than it is already. It was so interesting, I was reading an article just yesterday that spoke about the potential challenge to a person charged with a crime of rape and whether that individual should have the protection of their name until the case is over, because what happens if that individual is found not guilty, or the case is thrown out, or it's found that the accuser was actually lying the whole time?

In today's date and time, and technology, a person's reputation can be damaged without repair; and I think, Mr. Speaker, [that is what] the good Member for Bodden Town West is intending to [do]—though he knows quite well that there is a referendum coming. Until the people have had their say, we have to assume the status quo will be the same. In the event that they say no to that question, at the very least, we make it a little easier for those who may find themselves in infractions of the law for minor issues.

It's important that we recognise that no one in this honourable Parliament is of the view that major things should be exempt for a short period of time, but there has to be an adjusted approach to how we rehabilitate a person who makes a mistake in their life or breaks the law. Considering the social media effects, Mr. Speaker, the reform that we are speaking of, which is welcomed by the Law Reform Commission, that the

Government will have to consider in short order, I think we'll probably have to do that quite often. The landscape of information and the availability of it is changing so rapidly, hence the reason why we're considering this today.

With that being said, I really want to thank the Mover of the Motion, who has always been committed to even people like myself who have made mistakes. Some people know that the good Member and I have a very strong relationship, and it's because of these types of Motions and the principles he stands for. Unlike many others, who maybe didn't want to give me a second chance, he stood like a brother with me.

I commend him for bringing it but, as our Honourable Leader said, we are already in the process of considering this very important topic. Bringing it to light for the good people of the Cayman Islands just proves that it's a priority for him as well.

Mr. Speaker, those are my contributions.

The Speaker: Thank you, Honourable Minister.

Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

As no other Member wishes to speak, I'll invite the Mover to exercise his right of reply.

Mr. Christopher S. Saunders: Thank you, Mr. Speaker. I want to thank everyone who contributed today.

I'd be remiss if I did not single out the Acting Deputy Governor. The reason I want to raise the issue, Mr. Speaker, is that a while back I had a young person who, again, made mistakes along the way, and the Acting Deputy Governor personally—because I did reach out to him—was able to find a place for that person in the Government's Second Chance Programme. I can tell you from my regular interactions with the individual's mother, that they are extremely grateful to see their son given a chance to be a productive member within our community again.

I do recognise, Mr. Speaker, that there are many families that this has affected. There was a time in our history where once you got caught with ganja, you were automatically sent to prison in Jamaica for like six months or something. That's where we are coming from. Nonetheless, small or not, we are still a country of second chances. Mr. Speaker, I think everyone in here at some point can find their own second chance story, whether it was from an illegal act or just a regular act.

I have my own second chance story, Mr. Speaker, where I should have lost my scholarship and the Government of the day felt, *you know what? We're going to give him an opportunity to continue.* It was that second chance that gave me the opportunity to go back and resume my studies, so I can stand in the Parlia-

ment of the Cayman Islands today. I know what a second chance is about, and I'm sure many people have similar stories. My good friend, the Minister of Tourism and Ports, [Member] for George Town Central just hinted at his own second chance story. This is what we are about.

I was reminded that even when a record is expunged, once the US authorities know about it, they still hold it against the person. So, they still have another challenge to overcome, in the sense that, once it's in the system, it's in the system and not many foreign governments may look past it. At a minimum, while we can't make legislation that will affect foreign governments, we can make legislation that will benefit our own people.

The message that I want people to take away from this, is that: *while we'd love for you to not make mistakes, period, we do recognise that people will make mistakes. People will stumble along the way.* Sometime you'd be surprised to see what the triggers for some people can be, where for a brief moment they step out of line, and in a very small community it's very easy for us to hold things against people...

The reason I really feel badly for many of our young people, Mr. Speaker, is that we have tens of thousands of people who come here from a foreign country with a clean police record. We don't know if those records have been expunged. We don't know that person's background or anything, but they arrive with a clean police record, yet our own people, because of the smallness of our community, even if their record has been cleared, we will remember it. That's the reality of living in the small community that we have.

Nonetheless, Mr. Speaker, I think the message is clear to the listening public, that—at least with the Membership in this House—we are about giving our people a second chance, and if need be, recognise when they have done something to better themselves.

Thank you, Mr. Speaker.

The Speaker: Thank you, honourable Member.

I believe I can say there aren't many who haven't made mistakes; many of us just didn't get caught.

[Laughter]

The Speaker: The question is: BE IT THEREFORE RESOLVED that the Government considers amending the Criminal Records (Spent Convictions) Act (2018 Revision) to make provision for the expungement of the criminal convictions of those convicted for offenses pursuant to the Misuse of Drugs Act (2017 Revision) specifically in relation to possession of cannabis for an amount equal to one ounce or less for personal use.

All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: I believe the Ayes have it.

Agreed: Private Member's Motion No. 2 of 2024-2025 passed.

The Speaker: Madam Clerk.

**Private Member's Motion No. 3 of 2024-2025
Motion to acquire Red Spot, George Town
(Block & Parcel # OPY5 and OPY7)**

The Speaker: I recognise the Honourable Member for West Bay West.

Hon. W. McKeever Bush: Mr. Speaker, I rise to move Private Member's Motion No. 3, standing in my name, which reads as follows:

WHEREAS Caymanians in the fishing community who traditionally utilise Red Spot for economic opportunities are at risk of losing their prescriptive rights to this piece of land.

AND WHEREAS Red Spot is of significant importance to the heritage of the Cayman Islands.

AND WHEREAS Caymanians who utilise Red Spot for income generation are in dire need of stability to maintain their fishing pursuits and operations to contribute to the food security agenda of the Cayman Islands.

BE IT THEREFORE RESOLVED that the Government considers compulsory acquisition of Red Spot to facilitate and protect the continued sustenance of the fishing community of the Cayman Islands.

The Speaker: The Motion has been duly moved. Is there a seconder?

Mr. Christopher S. Saunders: Mr. Speaker, I rise to second the Motion.

The Speaker: The Motion has been duly moved and seconded. Does the Mover wish to exercise his right to speak to it?

Hon. W. McKeever Bush: Thank you, Mr. Speaker.

Mr. Speaker, I have an amendment to the Motion. Do we take that at this time?

The Speaker: Yes, you may move it now. I think it would make more sense so that Members can vote on it and it becomes part of the substantive Motion.

Hon. W. McKeever Bush: Thank you, Mr. Speaker.

The Speaker: I have waived the normal two-day requirement for the notice because, while the amendment is important, it doesn't change the context of the Motion at all, it only makes it more complete.

Hon. W. McKeever Bush: Thank you very much, Mr. Speaker.

Mr. Speaker, in accordance with the provisions of Standing Order 25 (1) and (2), I, the Elected Member for West Bay West, seek to move the following amendment to Private Member's Motion No. 3 of 2024-2025 by inserting the words "with the possibility of a fish market" at the end of the resolve section. The new resolve section will read, "BE IT THEREFORE RESOLVED that the Government considers compulsory acquisition of Red Spot to facilitate and protect the continued sustenance of the fishing community of the Cayman Islands with the possibility of a fish market."

The Speaker: The Amendment to the Motion has been duly moved. Is there a seconder?

Mr. Christopher S. Saunders: Mr. Speaker, I rise to second the Amendment.

The Speaker: The amendment to the Motion has been duly moved and seconded.

Does the Honourable Mover wish to speak to the amended Motion?

Hon. W. McKeever Bush: No, Mr. Speaker. I'm mindful of the time and mindful that I will be speaking to the entire Motion. I think Members quite understand the Amendment. If it suits you, I will just say that we have moved the Amendment and hopefully Members will support it.

The Speaker: Does any other Member wish to speak to the Amendment to the Motion? *[Pause]* Does any other Member wish to speak to the Amendment to the Motion? *[Pause]*

Is the Honourable Minister of Planning proposing to speak?

[Inaudible interjection]

The Speaker: Okay. Does any other Member wish to speak to the Amendment to the Motion? *[Pause]*

If not, I invite the Mover to exercise his right of reply or non-reply, whatever it is.

Hon. W. McKeever Bush: Only to thank the honourable Members for their quiet support, and hopefully a loud support at the end.

The Speaker: The question is that Private Member's Motion No. 3 of 2024-2025 entitled Motion to acquire Red Spot George Town (Block & Parcel # OPY5 and OPY7) be amended by inserting the words "with the possibility of a fish market" at the end of the resolve section so that the new resolve section will now read: "BE IT THEREFORE RESOLVED that the Government considers compulsory acquisition of Red Spot to facilitate and protect the continued sustenance of the fishing

community of the Cayman Islands with the possibility of a fish market.”

All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: I believe the Ayes have it.

Agreed: Amendment to Private Member's Motion No. 3 of 2024-2025 passed.

The Speaker: Does the Honourable Mover now wish to speak to the amended Motion?

Hon. W. McKeeva Bush: Thank you very much, Mr. Speaker. Again, let me thank Members.

Mr. Speaker, I do not propose to be long, as this Motion explains itself very well. This Government and governments in the past have tried to get cooperation on this matter, all to no avail, but this is a matter for the public good. As a Government, we do not propose to allow this matter to languish any longer. It must be dealt with now.

That property, Mr. Speaker, has been used for generations and we propose for the fishermen to continue using it. Locals and others from all over the Island go there to buy a piece of fish. It's a very convenient location and allows the fishermen to make a living. At this point in time, it is part of our culture—our heritage. I would like to see a simple island-style fish market there, and I believe the public will welcome it. Certainly, the fishermen are happy that we are trying to get to this point.

I do hope that the House agrees, and the owner would agree, without going through a compulsory acquisition process. That is my hope.

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Honourable Member, could you turn off your mic, please?

The Honourable Premier.

The Premier, Hon. Juliana Y. O'Connor-Connolly: Thank you, Mr. Speaker.

Mr. Speaker, on behalf of the Government, I am happy to say that we will be accepting the Motion as amended. You would know that this has been a long-standing matter that has spanned several Administrations where attempts have been made to try to acquire this very important cultural and heritage-significant property that many of the fishermen are using up until today. We saw the inclement weather coming in, and as we sit here and deliberate, they were picking up their tables and tent to try to salvage their livelihood. Believe it or not, the waves from Hurricane Milton are traversing downtown George Town—from the pictures I've seen, even to the entrance of Elmslie Memorial United Church.

They have been there for a number of years. They have tried through the Prescription [Act], through the Public Lands Commission (PLC), as well as through the Lands Registrar with no luck. On this side, as well as when I was on the other side, we have tried to negotiate in an amicable way with the owner. I don't have to call his name, everybody knows who the owner is. To date, we have been unsuccessful.

It has reached a boiling point, where the owner obviously has his rights because he legally owns it; but we're just asking, if he's listening or if there's anyone within the Chamber who still has an access—pardon the pun—to the proprietor of the two parcels there, if they would impress upon them that Cayman has been good to both of the owners. Also, as a contribution—seeing as you said this morning, *“We pass this way but once, and the good book has promised us three-score and ten”*, and at least one of the owners, if not both of them, has long passed that seventy-mark, it would be a very good illuminating torch to leave to the people of the Cayman Islands, before we pass on, and say that these fishermen could get it. They depend on this, Mr. Speaker.

They are not asking for a handout, and I believe that Government should be that institution that fills the gaps that the private sector cannot. Therefore we have not given up the aspiration—and that's about the highest I can put the objective—of having it done by pure conveyance, even if it has to be done as a special purchaser, which would bring it up to 20 per cent above the current market rate. The Government is prepared to find the requisite funds to do that because we believe that every Member in this House, barring none, would be fully supportive of acquiring this property for the Crown, for the use of the public (obviously), but also for the fishermen there to continue to use it.

I've been reliably informed that there has been a legal opinion as to why it could not have gone the way it is; that's water under the bridge, so I will not take the time of the honourable House to go through the three or four reasons why it was thought that the Prescription Act, perhaps, was not the best methodology to embark upon to ensure that we get this property.

Mr. Speaker, the Government believes that they have exercised a liberal amount of patience, but we are still willing to reach out with an olive branch and ask the proprietors to duly reconsider. As you would know—being an attorney yourself—our conveyancing is based off the Australian model, where we have free enterprise; we're not a Putin jurisdiction or even the late Castro jurisdiction where we just walk and take people's property arbitrarily—it has to be one that really has a public interest component. We believe that if there is ever a need or, indeed, a justification to acquire property on behalf of the people of the Cayman Islands, this certainly has a gigantic public interest component to it.

The Government, as I said, in the first exercise will continue for a short time to try to resolve it amicably,

and we trust that we can come and reason together, for the interests of our people. I'll repeat myself, we're willing to go to a special interest acquisition if necessary. I'm not proposing that such is the case, but I'm begging on their good graces that they would want to give back to Cayman. We all know the individuals who own it, prior to coming to Cayman compared with having been in Cayman, and still having a desire for Cayman to be the domicile of choice, Cayman has been extremely, extremely good to the individuals. Therefore, we're just asking for some bit of compassion, if I may take it so low with my adjectives, that they would consider these poor fishermen and give them a chance to go.

We are not asking them to give it for free— of course, we would not refuse it if they decide to give it for free, but if not, we are willing to take from the public purse to acquire something in the interest of the public which, as I said, would not be exclusively utilised by the fishermen, but it would not be restricted from them using it.

Mr. Speaker, if the Government finds itself in a forced position that we have to instruct the Attorney General, we will so do, and that is the benefit of this Motion, which I thank the Movers for bringing it. It allows this august body to debate it and to illustrate to the wider public that this matter is at hand, the position of the entire membership of the House and, the importance that we put on it.

We recognise the privacy of having absolute ownership, but we believe that there should be an over rider if it's in the public's interest; because of that, if we are not able to come to an amicable position, we will instruct the Attorney General to commence proceedings for legal acquisition thereof, which I hope is not the [route] we have to go, but we will if we have to.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Premier.

Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

Why do you all try my patience at this hour?

[Laughter]

The Speaker: The Honourable Leader of the Opposition.

Hon. Joseph X. Hew, Leader of the Opposition: Thank you, Mr. Speaker.

Mr. Speaker, I rise to make a short contribution to the Motion after hearing the Premier's contribution.

The Premier is right, over time there have been several efforts to secure the property in one way, shape or the other for the purposes that both parties wished for. I think the owner of the property would love to see it remain in its natural state for the use of the people the way he found it when he acquired the property; and

then, of course, we would like to see and support the fishermen in having a location to purvey their catch and to make an honest living. So I agree with the Honourable Premier. I do hope the Government will be able to come to an agreement with the owners. We came very close in the past.

I think there are three parcels in total, not just one; two of the parcels have a common owner and the separate parcel belongs to another party. I know the main owner of two of the parcels has concerns about it becoming another Seven Mile Beach, or overrun with commercial activity. I don't know if the Government in negotiations will, perhaps, find a way to alleviate those concerns and to convince the property owner that such is, and will not be the case, and that the people of the Cayman Islands will have the opportunity to enjoy Red Spot or Dora's Bay as it is.

As such, we have no issue with it. It's not the desired outcome; we would not want to see the Government have the Attorney General start the process towards compulsory acquisition. I don't think anyone wants to set a precedent where we are going around taking people's properties, but I do believe that there is an opportunity for a solution, and we in the Opposition are certainly here to support the Government in finding it.

Thank you.

The Speaker: Thank you, Honourable Leader of the Opposition. Does any other Member wish to speak?
[Pause]

The Honourable Minister of Planning and Infrastructure.

Hon. Johany S. Ebanks: Mr. Speaker, colleagues, today I stand before you not just as a Member of Parliament and a Minister, but as a guardian of our heritage and the rights of our people who call these Islands home. It is with a profound sense of duty and determination that I lend my voice to Private Member's Motion No. 3. A motion that touches the very soul of our nation, so much so, that many of the fishermen were out front just a little while ago. They understood that we were bringing this Motion, and were very supportive and emotional about the Government being here today to stand up, to do something for them.

For far too long the issue surrounding Red Spot in George Town has lingered in the shadows, overlooked and under-addressed. Today, we bring it into the light. We stand here as representatives of our people, listening to the voices that echo through our Islands; voices that call not from a place of privilege, but from a place deeply enduring the connection to the land and sea. When I say echo, even when I was in the Brac, I had people saying this is something the Government needs to do. So, even the people in the Brac understand why we need to go forward with this.

On 20th September, 2023, a group of the fishermen, at that time led by Mr. Billy Adam, stood outside

and inside the government building merely requesting an audience. They sent a simple, yet very powerful message. They need to know they have been heard and that they are not alone. Their difficulties resonate across our Islands, where [the] local population increasingly feels the crawling threat of displacement.

Mr. Speaker, we cannot afford to ignore this any longer. The land in question is not just a piece of property, it is a symbol of our heritage, a testament to the struggle and the triumphs of our ancestors and a vital lifeline to Caymanians today.

[Desk thumping]

Hon. Johany S. Ebanks: Mr. Speaker, as a young child, I remember going there with some of the North Siders, when they came to town to sell fish. The land known as 'Red Spot' is where our roots are anchored, and our community's livelihood and identity are tied to it.

As the Hon. Sybil McLaughlin, our first Speaker of the Legislative Assembly, so aptly stated, "*Our history, our heritage, and our culture must be preserved and passed on to future generations, for they are the very soul of our identity.*" [UNVERIFIED QUOTE] Red Spot is more than land, it is our collective history and it nourishes not only our people, but our very way of life.

Mr. Speaker, colleagues, we are at a crossroads, and it is incumbent upon us to act now. While the current landowners hold the legal rights to this land, we, as representatives of the people, must consider the greater good. Why should our fishing families, who have contributed so much to our Islands, be left to navigate the stormy seas of uncertainty? Why should they be forced to worry about whether they will have access to the very resources they need to feed their families and sustain our community?

Across our country, when I go out, door to door, many Caymanians have asked me when are we going to do something for the guys on the waterfront. Mr. Speaker, I call Mr. Adam and his group '*guardians of our Caymanian legacy*', because they fought and stood up for their rights. They have sounded the alarm, and it is now before us in this honourable House to respond.

Mr. Speaker, as the matter is deeply personal to me as it impacts local food security, I, too, have made repeated attempts to persuade the landowners to sell this piece of land to the Government. Sadly, all efforts have been met with disappointment. Until the Government and landowners can agree on a way forward, the fishing community who depends on Red Spot, will continue to face uncertainty and instability.

Yes, the landowners maintain the right to decide how this land is used; however, we must consider the possibility that it may be used in ways that could harm our country's long-term interests, our culture, and our way of life. I ask you today: Why should our hard-working fishing families continue to navigate the seas of insecurity and doubt when we have the power in this

House to offer them a harbour of hope? If you think they don't need it, they really do.

As the Leader of the Opposition rightfully said, it has been going on for longer than I thought. I understand since the days of the United Democratic Party—and you know how long that has been—as well as other parties, but Mr. Speaker, we are here today as we can no longer allow this to sit stagnant and do nothing about it, leaving our Caymanians at the forefront where they feel there is no hope for them.

This truly is a crossroads. Red Spot is not just a plot of land, it is our collective memory, the roots that bind us to our past. Therefore, the fears and concerns raised about Red Spot are not just those of Mr. Adam and his group. Their fears are my fears and their fights are mine. I don't know who else wants to stand and fight with them. I call upon each of you to listen closely to the voices of those who have come forward. Together, we must find a way to preserve the legacy of Red Spot and safeguard the ancestral lands that are the lifeblood of our communities.

Sir, when I say 'lifeblood of our communities', on days when the guys aren't fishing, there's a community that gathers there, chatting and mingling. They do this to pass on and exchange their remarks; sometimes they are talking about the Government and Opposition, but hopefully it is the Opposition they are complaining about—

[Laughter]

Hon. Johany S. Ebanks: But it is a gathering spot for them.

Acquiring Red Spot is not merely a pragmatic solution, it is a moral imperative, an obligation to these families, to this community, that has given so much to our Islands. So, Members, the eyes of our nation are upon us. They have entrusted us with the responsibility of safeguarding our heritage, our way of life, and the prosperity of our Islands.

Mr. Speaker, I was very glad to hear the Premier say that as a Government we will stand together to make sure we preserve this spot, no matter what it takes and hopefully, we can do so very shortly. The Premier has my full support. I thank the Members for West Bay West and Bodden Town West—it seems like the two Wests are always connected when they are bringing Motions.

[Laughter]

Hon. Johany S. Ebanks: I want to thank them for bringing the Motion today and highlighting this issue, to know that we really have to do something about it and not be one of those Motions that say, '*we're considering it.*' Rather, that we are actually going to action it and get it done. Again, I thank the Premier for carrying the mantle to save this spot for our people.

Colleagues, every Parliament goes down in history with a lasting identity. Some are remembered for their willingness to make the tough, principled decisions required to serve the greater good. Today, I am asking this honourable House to ensure that our legacy is one of courage, conviction, and a firm commitment to the people we were elected to serve.

To quote one of the most politically active figures in our country's history, the Hon. Ormond Panton, "*It is the responsibility of every generation to protect the rights, the land, and the livelihoods of the Caymanian people.*" [UNVERIFIED QUOTE] Today, we have the opportunity to fulfil that responsibility. We must protect Red Spot, not only for the fishermen who rely on it today, but to future-proof for the generations of Caymanians who will inherit it tomorrow.

Colleagues, this is our moment to provide stability to our Caymanian people. This is our moment to be on the right side of history. This is our moment to act. I humbly sound my support, and seek your support, for Private Member's Motion No. 3 of 2024-2025 to acquire Red Spot, George Town. Let us drop anchor on cooperation, and chart a course that will protect and support our fishing community.

Mr. Speaker, I thank you, and again, my colleagues, the Members for West Bay West and Bodden Town West, for bringing such an important Motion. I fully support this Motion, 100 per cent, and will do my best to ensure that we try to deliver it as quickly as we can, for the people of this country.

Thank you.

The Speaker: The Honourable Minister of Labour and Culture.

Hon. Dwayne S. Seymour: Thank you, Mr. Speaker. I rise to give a short contribution.

Mr. Speaker, I've been to Red Spot buying fish very often. As early as the late seventies, working at the dock on my summer job, frequenting this "fisherman's market" as we call it, and as an adult, Mr. Speaker, I was surprised that it wasn't Government's land, only to find out it's for a private landowner who hasn't been playing ball with us. I think the time for precedent is now, we have to stand up and make a difference. People are saying many things about this Government, but let us, this cohort, be the ones who do something proud and bold for our people. Everyone knows how much I love buying beach land and waterfront property, so no one has to ask how I will vote. I know these fishermen— they call me by first name.

This has gone on too long. In fact, I can't imagine anything other than the fish market being there. The time is now. I will always fight for my people, Mr. Speaker; fight for my people in Bodden Town East— doesn't necessarily have to be there— whether it's the East-West Arterial that I need to fight for or purchasing iconic buildings like the Lighthouse Club or other entrepreneurial opportunities for our people. Red Spot, Mr. Speaker, is our spot, and it will remain our spot.

Thank you, Premier, for supporting this effort; and thanks to the West Bay West and Bodden Town West Members, for bringing the Motion.

We have to continue standing up for our people. Jack should never run us from bathing on this beach.

Thank you, Mr. Speaker. God bless.

The Speaker: Does any other Member wish to speak? [Pause]

The Honourable Minister of Tourism and Ports.

[Crosstalk]

Hon. Kenneth V. Bryan: Thank you, Mr. Speaker.

I am happy that colleagues on my side took the opportunity to speak before I did, because it gave me an opportunity to reflect and calm down. Most Members on the opposite side and on the Government side know how passionate I am about that location. What the good Minister of Infrastructure didn't tell you is the pow-wows we had in Caucus about this spot—

Hon. Johany S. Ebanks: That's true.

[Inaudible interjection]

Hon. Kenneth V. Bryan: — and the fact that I almost decided to leave this Administration because of it.

An Hon. Member: What *yuh* saying?

Hon. Kenneth V. Bryan: You heard what I said, it's in the *Hansard* now.

Mr. Speaker, it is important that the *Hansard* recognises that the spot we are speaking of today falls in my constitutional responsibilities under the Cayman Islands Constitution Order 2009, called George Town Central, but it's more to me than that.

Mr. Speaker, the *Cayman Compass* has done a very awesome thing recently [following] the new owner's purchase of the company where they show all these pictures. They have this thing called— let me find it, Mr. Speaker— Time Back, where tens of thousands, potentially hundreds of thousands of images, give a record of time for the good people of the Cayman Islands but, in particular, the good people of George Town, (a couple of North-Siders, too).

Those pictures, Mr. Speaker, are probably the best evidence as to the necessity for the Motion before us. For the record, Mr. Speaker, I'm 44 years old, and I'm going to share some of my memories at Red Spot. There's a 1991 picture of Wynn Rowe; those of you from George Town [may] remember him. I know the Honourable Speaker remembers him. One of Cayman's iconic fishermen.

[Inaudible interjection]

Hon. Kenneth V. Bryan: Cayman Brac at that too, you're correct, Mr. Speaker.

In the picture you will see an anchor, what I call an old-school way of lifting and hoisting boats. They used to bore a hole in the iron shore and put iron wood in it. That's an indication to me, of how old this location is for fishing use. Now, I am certain that my colleagues knew that I would do as much research as I needed for this topic. Mr. Speaker, I'm *gonna* try my endeavour best not to call the current owner's name because it's unnecessary.

[Inaudible interjection]

Hon. Kenneth V. Bryan: Mr. Speaker, this property was purchased from Mr. Alfred DaCosta Bird in 1973 by the current owner and another owner who, may his soul rest in peace, unfortunately passed away in 2006.

I am almost certain that this property was in use for historical and cultural means way before the current owner, who was born in 1943 in the United Kingdom, decided to make the Cayman Islands his home. I am happy to say he and his whole family are now a part of us, a part of our family. We have joined hands quite like you do with a marriage. You embrace your in-laws and you move on together and you create a new branch of the family tree.

The individual that I'm speaking of helped pave the way for the Cayman Islands' financial services, and we thank the individual. Mr. Speaker, you may notice that I continue to avoid calling the individual's name.

Though I appreciate all that he may have contributed to this country, it tells me that we still have a problem when, after coming here at such early times on this little Island that was developing into a financial services location— as I said, they bought the property in 1973, when we used to be accused of money laundering every day because we had a bank on every corner.

When they purchased the property, they saw little old Island people, and I'm almost certain they saw little old George Towners with their little 14/16 ft. boat, coming to that spot [after] fishing, because it hasn't stopped. The behaviour on that location didn't just pop up overnight, so they knew that the good people of the Cayman Islands were using it for what was accepted to be the community's— the public good. It was servicing the community with food, while at the same time building our culture and our heritage as we know it today. Red Spot is the first tourism and cultural component that our visitors see when they get off of a cruise ship. It's the first thing outside of a cement building and our flag that they actually see as Caymanian activity as it once was, and for some, still is.

Yet, after the individual that I'm speaking of coming here and contributing so much— and we have embraced you! There have been attempts to remove the men and women who use and have been using the location for tens of decades; and I am not asking a

question, Mr. Speaker. I was there, at the location, when they were served documents from lawyers. So this is no second-hand information. Matter of fact, you see, they didn't even know I was elected because this was in the last Administration. They sent the lawyers, and the good fishermen out there called me and said, *"Ken, they came in just now and everybody pretended like they didn't know who it was, but they're coming back. They said they are coming back at 3.00"*, and I was there at 2.45. They served them notice to come off for selling fish. Do you know the disappointing part about it, Mr. Speaker? I've checked with the good Minister for Planning and under our planning laws, there's nothing that could possibly even be built there. It's not like, for instance, we are taking away a piece of land where... we're taking away an economic opportunity from him. The man can't do anything with the land, which tells me he is being spiteful.

Mr. Speaker, I know the Honourable Leader of Opposition went to him, I can only speak about two terms (this and last term), because I begged Joey. I almost somewhat politically—

[Inaudible interjection]

Hon. Kenneth V. Bryan: Sorry. My apologies. Thank you, Madam Premier.

I begged the now Leader of Opposition back then, when he was Minister, *"Please, for my good people of Town."* I even gave him a bit of a political jug to say, *"I goin' make this a political thing and campaign against you."* He knows, he remembers. I can't say he didn't do anything. I saw the correspondence, the e-mails where he reached out to him. I saw the attempts, but all the narratives thus far, and the interaction with the good people who are there using it, tell me there's an attitude that they do not care about our feelings, with respect to what this location means to the people. Mr. Speaker, after that Administration, this administration even reached out to the point where we are saying, *we'll give you more than market value, make an exemption under Cabinet*, for something that— I can't say is of no value to him, it would be inappropriate— he cannot do anything with.

Then you hear threats like, *"Boy, if we take him to court, you know, he's the type of person, he'll take you back to court and appeal it and appeal it, and go to court, go to court..."* Mr. Speaker, the good Minister of Infrastructure did say, it is time to show the people of this country that we are willing to go to court for them. Stop being scared and frightened because they got money and they are willing to take us to court. You know why they sent us here for? To protect them.

Mr. Speaker, let's get into what the law says in this respect, because I don't want us to think... because here's what's going to happen: After this passionate delivery, these young pups coming in here in politics saying they're going to do the right thing; after we leave, they're going to say, *"This is going to impede on the*

freedom and right to ownership of land. What they're saying is wrong and it's going to break down the institution of ownership for which the Cayman Islands is known for." You can come here and own anything free as you go, no restrictions whatsoever. Maybe that's our problem, we are too loose, but we are going to get to that. They are going to say that if the government does a compulsory acquisition it's going to set a precedent. Oh, I hope it does, because there are a couple other places around here that should be under the same consideration.

An Hon. Member: I agree.

Hon. Kenneth V. Bryan: Mr. Speaker, the Cayman Islands Constitution Order section 15(1) says: "**Government shall not interfere in the peaceful enjoyment of any person's property and shall not compulsorily take possession of any person's property, or compulsorily acquire an interest in or right over any person's property of any description, except** [keyword: *except*, meaning sometimes there's a reason to do something different from what I just read] **in accordance with law and where...**" —this is the most important part, Mr. Speaker— and for those who are listening, Cayman Islands Constitution Order 2009 [section] 15(1)(a), "**the interference, taking of possession or acquisition is necessary or expedient in the interest of** [now, the first couple are not what we are trying to focus on, but I'll get to the one I'm talking about] **defence, public safety, public order, public morality,** [I think there's a bit of a morality issue here, but that one may be not as strong to defend when the Attorney General goes to court for us because he will] **public health, town and country planning or development or utilisation of any property in such manner** [and this is the part that I'm going to dwell on Mr. Speaker] **as to promote the public benefit or the economic well-being of the community.**"

Mr. Speaker, what that tells me— and I'm going to take the Attorney General's advice and go to law school because I love to argue...

[Inaudible interjection]

Hon. Kenneth V. Bryan: He says I still got time, Mr. Speaker.

[Laughter]

Hon. Kenneth V. Bryan: Mr. Speaker, I hear the threat that they're going to appeal and appeal and appeal if we try to acquire it compulsorily. Now, Mr. Speaker, you noticed the difference in the delivery of the Honourable Premier; she has a role, as the Premier, to be very diplomatic, elegant, and if I ever get there one day, maybe in the next ten years, I'll do the diplomatic, elegant stuff.

Right now, I'm the Minister of Tourism and a representative for George Town Central, so I can be a bit rougher— right, Mr. Speaker?

Mr. Speaker, I believe this right here gives our Attorney General enough fight to be able to go to court and stand and win. Mr. Speaker, that's my opinion. Remember now there's a separation of powers, the judiciary, and the Parliament, but one thing I do know, is that sometimes they will reach out to Parliament to try to find out the will or the spirit of any law that was created. Now, this wasn't just put in here by mistake, you know; so, in my opinion, Mr. Speaker, can we think of an example for which the creators of our Constitution would have put the words in such a manner, "[...] **to promote public benefit or for the economic well-being of the community**"?

Mr. Speaker, here's what I don't want to happen, and I think this is why you see the more delicate approach by the Honourable Premier... who else was very gentle with it? I know it wasn't the Minister for Infrastructure. I think maybe the Honourable Deputy Premier, if he gives contributions, would be just a little more delicate than I am, but Mr. Speaker—

[Inaudible interjection]

Hon. Kenneth V. Bryan: You see, you make me lose my frame of thought, now.

[Inaudible interjection]

Hon. Kenneth V. Bryan: That's not a good lawyer quality at all. You need to write your notes and make sure you remember where you're going with your argument.

Mr. Speaker, we're willing to fight this fight, because it has to set a precedent and clarity as to what people are willing to do. Mr. Speaker, I don't know how much more gentle the Government can be in respect of this property. From paying more money, Administration after Administration... and what is going to end up happening and sadly, this is now going to be public record. Now the people are going to see that there is an argument with somebody who is a Caymanian, who came here and became Caymanian, did not respect our way of life to see that this is important to us; to be spiteful and hold on to it just because he doesn't want them there. You know what it's going to cause? Us and them, again. That's what this is going to come out to be. It's going to be about the haves and the have-nots and there's no good reason, none, why this gentleman wouldn't be willing to sell!

As a matter of fact, Mr. Speaker, I've even heard that the family members are willing to consider selling, but it's the father that is holding fast to the position just because he doesn't want to be told what he can and cannot do which, I guess I kind of have similar qualities myself, right.

[Inaudible interjection]

Hon. Kenneth V. Bryan: I am not that stubborn. I'm not that stubborn, Mr. Speaker.

Mr. Speaker, [do] you know how many generations have used that location? I remember going there with my father, Vernon McAllister McField, cleaning grunts and mangras, getting my foot torn up trying to be a little island boy walking on Iron Shore. Ask him if he did that, before he's gonna stop the people of this country from doing it! If it were up to this individual, Mr. Speaker, he would have them gone! You heard the Honourable Minister say, it's good angels like Mr. Billy Adam, who stand and fight to protect, because that's what they want to do— get rid of them!

Mr. Speaker, I hope that after this debate—and they can hate me, I still represent the people of George Town Central until otherwise and I've had many people dislike me in my life, that's okay, I can learn to live with that; but what I'm not going to learn to live with, is the continued approach to changing who we are as Caymanians.

You know, the Minister of Border Control made a very good point. I never thought about it until he said it. I can't imagine that location being anything else. Has anyone else thought about that? If they are successful in their attempt to remove them from there, what do you see there? You know it's a landmark, Mr. Speaker? You know where you are. You could be blindfolded, as long as the windows are down, if you use your sense of smell, you can know where you are in George Town. Iconic location.

Now, what would cause a person to not want to allow that as a history of our people? You remember when you talked about how at one time, Cayman only had 16,000 people, Mr. Speaker?

[Inaudible interjection]

Hon. Kenneth V. Bryan: You recorded even when they had 8,500. Mr. Speaker, I can bet you a million dollars they were using that same location then. Why? Why? Why are we even here? You understand why our people feel a particular way, when people come to our country and become a part of our family, and then take positions like this?

What more... What is it? Can someone explain it to me? What is the agenda here? I mean, Mr. Speaker, my good colleague from Bodden Town West used to say Cayman has a disease called bad-mind, and by the sounds of it, this person has a full dose of it.

Mr. Speaker, this Motion asks us to consider. I am happy that the Mover and the Seconder of the Motion brought it because, obviously, as a Member of Cabinet I can't bring a Motion unless it's something we agreed to in Cabinet, and the most appropriate way to deal with this is a very diplomatic approach like the Honourable Premier has done, but I am so glad that I had the opportunity to vent this one off my chest. I'm

glad to be able to say to the good people of George Town Central that I've been fighting in my own Government, to go out there and be ready to fight and take this on, because when people elect you to protect them, to look out for them, and they see nothing, they say, *well, you don't care*. We don't have a reason why they're being challenged.

Well, Mr. Speaker, call it politics if they want, but Kenneth Bryan supports this Motion with every atom within his body [and] every inch of his soul. I really hope that strong minds prevail, but our people are getting fed up.

The Speaker: Minister.

Hon. Kenneth V. Bryan: Yes, sir.

The Speaker: You must understand that you have a very responsible position. Please act accordingly.

Hon. Kenneth V. Bryan: Politics is a very interesting thing, Mr. Speaker, but such is life.

Mr. Speaker, I thank you for the opportunity to speak to these remarks. I hope the Government is successful on behalf of all the Caymanians who care about that location. Hopefully this will be the Administration that actually gets it done after numerous requests by the previous Administration and many others.

I thank you for allowing my contributions.

The Speaker: Does any other Member wish to speak?
[Pause]

[Inaudible interjection]

The Speaker: The Honourable Minister of Sports and Heritage.

Hon. Isaac D. Rankine: Thank you, Mr. Speaker.

I rise to give a very short contribution on Private Member's Motion No. 3 of 2024-2025: Motion to acquire Red Spot.

Mr. Speaker, as the Minister with responsibility for heritage, I support this Motion to facilitate and protect the continued sustenance of the fishing community of the Cayman Islands with a fish market— but we must not stop at Red Spot. We must develop comprehensive legislation to preserve our heritage and other cultural spots.

Mr. Speaker, whatever legislation is developed, should cover historical homes; the existing slave walls; whatever turtle crawls we have left and, especially, areas in East End like Winter's Land, one of the sites that should be preserved for our people and cattle.

The Ministry has been working through some hard-working civil servants, and they have a list of over one hundred historical buildings and areas. Outside of that list of a-hundred-plus, there are other lands of historical interest on national terms. However, Mr.

Speaker, the particular spot the Motion refers to has been a very emotive issue, not only for the people of George Town, but for the country as a whole.

This, and any other Government, Mr. Speaker, must make a concerted effort to preserve as much of our culture and heritage before it disappears, through whatever legislative means that must come before this House and be passed.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Minister. Does any other Member wish to speak? *[Pause]*

The honourable Member for Bodden Town West.

Mr. Christopher S. Saunders: Thank you very much, Mr. Speaker.

Mr. Speaker, I will be the first to admit that I am an accidental Secunder of this Motion. The original Member who wanted to second it was the Honourable Minister of Planning and you... Hence the reason I ended up seconding the Motion. As I sat here and listened to—

The Speaker: Honourable Member, since you have introduced that point, let me make it clear that *Erskine May* puts it beyond doubt: You cannot be both a Minister and a Private Member. There is no hybrid. It's a Private Member's Motion. It can only be moved and seconded by a Private Member. A Private Member is a Member of the House who is not a Member of the Cabinet.

Mr. Christopher S. Saunders: Thank you, Mr. Speaker. I said it so that North Side voters know their representative's mindset. I don't want to take credit for something that did not originally include my name.

Mr. Speaker, as I sat here and listened to everyone who spoke I, too, had memories. For me they go back to my father, the late Roy Saunders, where it was a Sunday morning routine. We would go down to Holiday Inn for the nice buffet they used to have; then he would stop by Boosie's Shop and then we would traverse over to the fish market. As a little boy, I would sit there and just listen to those men talk and regale their stories of when they went to sea and everything else. Every time I pass that spot, it takes something from me, because it reminds me of my father. So, I do understand the emotional connection that piece of property has for many residents, inside and outside this honourable House.

Mr. Speaker, I will admit that when the Member for West Bay West asked me to second the Motion and I came to sign it I also paused, not because I didn't support the Motion, but rather because I recognise what the Motion is asking for. I think every Member of this honourable House knows the importance of private property rights.

It's one thing when you do it for the greater good, for roads, et cetera; it's a different thing when you are going after private land for something else. It's important for the public to understand that, while we recognise the emotive issue and historical connections the property has for many, inside and outside this House, infringing on anyone's property rights is not something that any Government would take lightly. I also think it is important for the public to know that successive Governments have gone above and beyond to try to find some way to accommodate and, like anything else, this would be a last-step resort.

I also recognise that many of the fishermen out there depend on it for a living, and if there is one thing anyone hates in any society, in any economy—and I'm sure all Members in this House recognise it—the one thing that can destroy any economy, is '*uncertainty*'. No one wants to operate in an uncertain environment. This evening people will spend money in supermarkets, will book tickets, do things, because they have some certainty that they still have a job, an income, and their families will be okay. The minute we have members of our society operating in an uncertain situation, it creates uncertainty amongst others. So I feel it for the fishermen out there, who need some level of certainty.

Mr. Speaker, I was here last term when you [Mr. Speaker] were the Premier. It was an issue then, too, and I remember many Members in this honourable House pleading with you in that regard. I also know that your Administration made significant efforts to try to acquire the property. To some extent, it is sad that we are getting to this point.

I would like to remind Members of the House, especially, of something we should always keep in mind: in the end we will not be remembered for what we inherited, but for what we leave behind.

Mr. Speaker, this is the last Motion we are dealing with today. Before I got up to speak, I looked at the three Motions on the Order Paper. The first one, brought by the Honourable Leader of Opposition, the Member for George Town North, dealt with properties for first-time Caymanian buyers; the second, brought by me and the Member for West Bay West, dealt with expungement of criminal records; and now this Motion.

Mr. Speaker, I think this is the first time we have gone through a sitting in this House in one day, where everything we did was about the people. I think it is probably the first time we did not have a Financial Services Bill or something else. So I would say today was actually a good day for the people of this country, where everything we did focused on them. Not to say that we haven't done that [before] and the other areas aren't important, but this is one time I can say that all three Motions we dealt with were all about the people.

If anything, when we leave today, it is something that we should all be proud of. We can say to our constituents that we really did something today that the people can see, touch, and feel, in terms of their daily lives. I can't reiterate it enough, Mr. Speaker, when I

continue to say that in the end— as legislators, as parliamentarians, as political leaders— we will not be remembered for what we inherited, but for what we leave behind.

I thank the Member for West Bay West for bringing this Motion, and asking me to second it.

Thank you, Mr. Speaker.

[Desk thumping]

The Speaker: Does any other Member wish to speak?
[Pause]

The Honourable Deputy Premier.

Hon. André M. Ebanks, Deputy Premier: Thank you, Mr. Speaker.

I'll try to make this as brief as I can. I hesitated on whether to make a contribution, but I think I'm duty-bound to do so. I think the most memorable remark of the day so far was from the Minister of Labour in that it's hard to imagine what would be there other than the fish market. It didn't dawn on me.

It was a poignant comment, sir, because I wouldn't have known it was anything other than such, until I was elected, and the only reason I found out the ownership structure was because the principal owner is my constituent. Hence, as others have the freedom and responsibility to represent the genuine, valid interests of their constituencies, I, in turn, am bound to put forward my constituent's views.

In my time of knowing him as a relationship between MP and constituent, I have never detected evasiveness or an unwillingness to sell. He outlined in pretty significant detail, the prior attempts that, for one reason or another, stopped and started; but as this Motion arose, I gave an undertaking to Caucus that I would contact him. Although the article in the *Compass* may have ignited particular passions on his part, I still have not detected an unwillingness to sell or come to some other arrangement for the use of the fish market.

I would align myself with the views that many have expressed, such as what I heard from the Member for Bodden Town West, the Leader of the Opposition and the Premier, which suggest that we consider this Motion as what will hopefully be a "last resort". However, I do think that a meaningful mutual outcome can be achieved. What this Motion can perhaps be utilised as, Mr. Speaker, is a tool to drive the parties to sustained efforts to get to the end of a transaction. From what I understand there have been efforts here and there, but I don't know that there have been sustained discussions between two formal parties.

Maybe that is the result of the Motion, that the Attorney General would understand the seriousness of the Government, because it is a valid concern that's being expressed. The Attorney General would then have instructions to mobilise and enact an informal proceeding and negotiation to drive this to an amicable solution.

I don't detect any fear on our side in terms of litigation. The Government is involved in tons of litigation.

[Laughter]

Hon. André M. Ebanks, Deputy Premier: I think the Attorney General is probably in court more than he may like. It's just a matter of what's most cost-effective. If we can limit cost, intention, and acrimony and get to a mutually desired outcome, then that should be attempted first in a more sustained and focused way. I believe, with a fair degree of confidence, that we can get there if we put aside whatever happened in the past. Whatever didn't work, whatever was a stop and start, put it behind us. This Motion can then mark that this is a serious issue that needs to be dealt with, institute formal negotiations, and have it done for the benefit of the country. I think we can get there.

Thank you, Mr. Speaker.

The Speaker: Thank you, Honourable Deputy Premier.

Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

As no Member wishes to speak, I'll invite the Mover of the Motion, the honourable Member for West Bay West to exercise his right of reply.

Hon. W. McKeever Bush: Thank you, Mr. Speaker. I shall not be long.

[Inaudible interjection]

Hon. W. McKeever Bush: Oh, yeah.

[Laughter]

Hon. W. McKeever Bush: Firstly, let me thank the Speaker not only for coming on last minute, but believing in what we're doing. That's the important part.

I certainly want to thank the Premier, for her collaboration of Government's points, and indeed, my colleagues. I thank the Leader of the Official Opposition for their position. I especially want to thank my good Minister— I think he did some of the research for you, too, Mr. Speaker. I certainly appreciate his excellent speech, and although the Minister of Tourism is not in his seat, I want to thank him for the way he spoke passionately about the matter. I know he has been behind that issue, trying to get it solved.

Mr. Speaker, the passage of this Motion is a testament to how we can address a matter that is crucial to us, without pointing a finger at anyone. This is the first time recently that I've heard speeches on a matter where we are trying to do something for Cayman, for Caymanians. We are at a point in time when people are dissatisfied for many reasons, when they feel that we are not addressing their issue. That's

something that I feel. I see it. I get that kind of feedback every day. As I listened, I said, *no one here is pointing a finger at any other Member*. That is important to me. It is a testament to what we can do, and I wish we could do more of it.

I do not need, Mr. Speaker, to beat my chest about what I support or have supported for Caymanians. I look at everyone here, and I can say I take second place to no Member, in doing things for Caymanians; whether it is protecting heritage, housing programmes, et cetera, I have been in the forefront. Others have also made their vast contributions to Cayman, to the development and protection of Cayman, and if we make mistakes, well, mistakes are made because we are human. It is not that we are going out there and deliberately doing something to hurt anyone! If we make mistakes, we are human.

Oh, they will tell us, Mr. Speaker: *We didn't put you there for that, and, we can easily get somebody else*. Well, let's see who they get and what they get—they better mind, jumping into the fire from the frying pan. Mr. Speaker, it matters to our people that we can get together on a matter like this without wrangling and jangling; it does.

Excellent points have been raised. As the Minister for Labour pointed out, about 12 years ago, around November, he brought that Motion when I was Premier and it went to where we do have such legislation as the Member for Bodden Town West spoke about. He spoke also on his experience. Just think of it. Look at where we've come from—

The Speaker: Honourable Father of the House, which motion are we talking about now?

[Laughter]

Hon. W. McKeeva Bush: Well, if Members are listening, I'm talking about the speeches that the Minister of Labour made and I'm wrapping it up by saying, look how well we have done. That's what I'm saying.

It is this Motion, but he spoke on both. I could congratulate him on both because I'm so happy that we are not wrangling and jangling today. That's what Caymanians want. I hope you take that point, Mr. Speaker?

The Speaker: Very much so, but if we can get back to the Motion in question.

Hon. W. McKeeva Bush: Yes, I'm just about finished with that because as I said, Members have made excellent points. They have done their background and some spoke with passion, but I expected that because it is a matter that is affecting the people there and will affect many Caymanians who go there to buy fish.

Mr. Speaker, we do hope that we can have this matter settled without doing any compulsory process because it is not something that we do, or that I have encouraged in all of my life; but we do have the law and

for such purposes, we should be willing to do so at any time.

Mr. Speaker, I want to thank all Members again for their support of the Motion and I do hope that we can get this thing settled quickly without any legal processes.

Thank you very much, Mr. Speaker.

The Speaker: Thank you, Honourable Member.

Members, I have been reflecting and listening to the debate. Given where I sit now, I do not intend to enter the fray, except to say that I was in those meetings too and I will say, that had it not been for COVID we might be in court, but the matter would be finished now.

I am older than most Members of the Government. I think there are only two who are older than I am, and not by much—the Honourable Premier is only a few months older. I have lived in the district of George Town since 1962. My father was Cayman's first formally trained public health officer; in those days, they called him the sanitary inspector. As such, I would be with him often, on the days they used to butcher the turtles out in Hog Sty Bay. That's how long ago we are talking [about]. Henry Bush and company, and the old market out there where the jewellery store is now, behind what was Mr. Bodden... What was his name again?

[Inaudible interjection]

The Speaker: Where Sharkeez is now, at the back of that.

Red Spot, or as many older Caymanians in George Town call it, Dora Bay, is one of the few areas along the iron shore that had white sand, a bay, where you could actually swim in, or come in or go out, or do whatever. They called it Red Spot because anyone who looks, knows the sand there is a distinct colour; different from that of Seven Mile Beach.

[Inaudible interjection]

The Speaker: How it comes to the red tone, I don't know. They called it Dora Bay because Ms. Dora lived on the other side of the road in one little house.

An Hon. Member: That's right!

The Speaker: I can say, and not from anything anyone tells me, but from my own experience of growing up in George Town, that from time I come to knowledge, fishermen were using that area to launch boats and come in and clean fish and sell it. From the time I knew myself.

In those days, most of the waterfront, the iron shore, had no structures on it and honestly, most of us never considered that it was owned by anyone. We just go there, throw out your line and do whatever you're

going to do. Nobody bothered you back in those days; but in all of this we shouldn't forget that the reality is that land was, and is, private property and that the proper courses need to be followed before Government acquires the property.

I'm not getting into the fray. Just to give you my historical perspective as one who has lived in George Town for all but a little less than a year after I was born, when we were in Bodden Town. The rest of my life has been George Town.

All right. Enough of my nostalgia.

[Crosstalk]

The Speaker: I think that the Motion is important enough that I am going to read the whole Motion, not just the resolve section. Private Member's Motion No. 3 of 2024-2025, Motion to acquire Red Spot, George Town (Block & Parcel # OPY5 and OPY7).

WHEREAS Caymanians in the fishing community who traditionally utilise Red Spot for economic opportunities are at risk of losing their prescriptive rights to this piece of land;

AND WHEREAS Red Spot is of significant importance to the heritage of the Cayman Islands;

AND WHEREAS Caymanians who utilise Red Spot for income generation are in dire need of stability to maintain their fishing pursuits and operations to contribute to the food security agenda of the Cayman Islands;

BE IT THEREFORE RESOLVED that the Government considers compulsory acquisition of Red Spot to facilitate and protect the continued sustenance of the fishing community of the Cayman Islands [with the possibility of a fish market.]

That is the question.

All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: I believe the Ayes have it.

Agreed: Private Member's Motion No. 3 of 2024-2025 passed.

The Speaker: Honourable Members that brings us to the end of today's Order Paper. As far as I am aware there are only a number of quite lengthy statements, which are important and need to be delivered, and six parliamentary questions for which answers have now been provided to the Office, which are to be dealt with tomorrow.

Madam Premier.

[Inaudible interjection]

The Speaker: Oh, I got that transmission wrong. There are six outstanding Parliamentary Questions, the answers haven't yet arrived; but we live in hope for fear that you die in despair. We live in hope. There may be some responses to Parliamentary Questions tomorrow, but we do have those statements. So I am proposing that Parliament convenes, as usual, at 10 a.m. tomorrow, and we deal with whatever Government Business there is. Whether there are questions or not remains to be seen, but the statements we have for certain. Then, Madam Premier, you can direct Members and me whether you wish to convene Finance Committee following that, or if you wish to defer it until Friday morning.

[Inaudible interjection]

The Speaker: I've just received indication that Finance Committee will be on Friday starting at 10 a.m.

[Inaudible interjection]

The Speaker: Well, 9 a.m. for 10 a.m.

[Laughter]

The Speaker: I would expect we get through tomorrow's business by the usual luncheon suspension.

Madam Premier, may I invite you to move the adjournment, unless there is something else you wish to say?

ADJOURNMENT

The Premier, Hon. Juliana Y. O'Connor-Connolly: Only to say the invitation is gladly accepted, Mr. Speaker.

[Laughter]

The Premier, Hon. Juliana Y. O'Connor-Connolly: It is with much delight I move the adjournment of this honourable House until 10 a.m. tomorrow morning.

As you indicated, although we may finish by lunchtime, there are some other speaking engagements that we want to facilitate, and we have to complete at least two more round robins to be ready for Finance Committee on Friday.

The Speaker: The question is that the House do now adjourn until 10 a.m. tomorrow, Thursday.

All those in favour, please say Aye. Those against, No.

AYES.

The Speaker: I believe the Ayes have it.

**At 6.55 p.m. the House adjourned until 10 a.m.
Thursday, 10th October, 2024.**